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# PENNSYLVANIA BULLETIN

Volume 45

Number 31

Saturday, August 1, 2015 • Harrisburg, PA

Pages 4145—4334

## **Agencies in this issue**

The Courts

Department of Banking and Securities

Department of Conservation and Natural  
Resources

Department of Drug and Alcohol Programs

Department of Environmental Protection

Department of General Services

Department of Health

Department of Human Services

Fish and Boat Commission

Governor's Office

Independent Regulatory Review Commission

Insurance Department

Pennsylvania Gaming Control Board

Pennsylvania Higher Education Assistance Agency

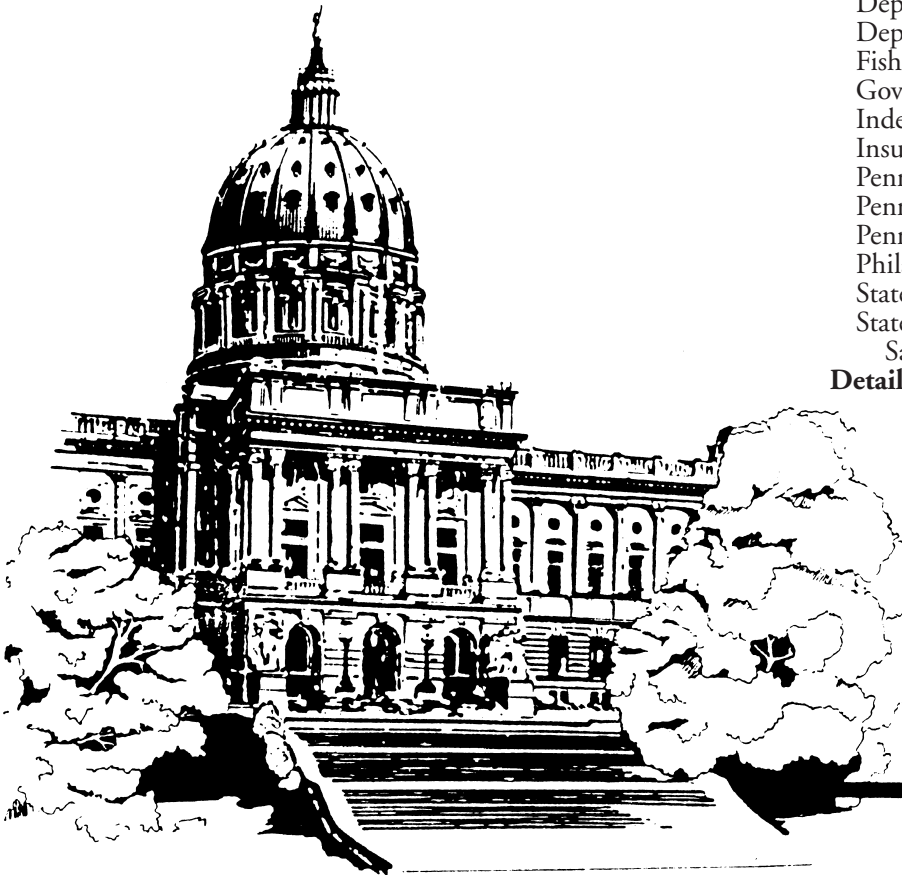
Pennsylvania Public Utility Commission

Philadelphia Regional Port Authority

State Board of Nursing

State Board of Vehicle Manufacturers, Dealers and  
Salespersons

**Detailed list of contents appears inside.**



**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 489, August 2015**

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# CONTENTS

## THE COURTS

### JUDICIAL CONDUCT

Formal advisory opinion 2015-2.....	4154
Formal advisory opinion 2015-3.....	4156

### LOCAL COURT RULES

#### Berks County

Accelerated rehabilitative disposition in summary cases; No. CP06 AD 0000024-2015 clerk of courts .	4160
---	------

#### Clinton County

Courthouse and garden building security; No. AD-1-2015 .....	4162
--	------

### RULES OF CIVIL PROCEDURE

Order amending Rules 1915.3, 1915.3-2, 1915.12, 1915.15 and 1915.17 of the Rules of Civil Procedure; No. 629 civil procedural rules doc.....	4158
--	------

## EXECUTIVE AND INDEPENDENT AGENCIES

### DEPARTMENT OF BANKING AND SECURITIES

#### Notices

Actions on applications.....	4251
------------------------------	------

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Execution of oil and gas lease for publicly-owned streambeds.....	4251
---	------

### DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

#### Notices

Pennsylvania Advisory Council on Drug and Alcohol Abuse meeting.....	4252
--	------

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices.....	4252
Aggregate Advisory Board meeting.....	4310
Bid opportunity (2 documents).....	4311
Climate Change Advisory Committee meeting change.....	4311
Conventional Oil and Gas Advisory Committee additional 2015 meeting dates .....	4311
Nutrient Credit Trading Program certification requests.....	4311
Oil and Gas Technical Advisory Board meeting date change.....	4312
Pipeline Infrastructure Task Force additional 2015 meeting dates .....	4312

### DEPARTMENT OF GENERAL SERVICES

#### Notices

Lease office space to the Commonwealth (2 documents).....	4313
Lease retail space to the Commonwealth (3 documents).....	4313

Lease wholesale/warehouse space to the Commonwealth .....	4313
---	------

### DEPARTMENT OF HEALTH

#### Notices

Act 2010-110 photo identification badges; clarification to 2015 notice.....	4313
Long-term care nursing facilities; request for exception .....	4314

### DEPARTMENT OF HUMAN SERVICES

#### Notices

Additional class of disproportionate share payment .	4314
Additional class of disproportionate share payments (2 documents) .....	4315
Disproportionate share hospital payments.....	4316
Payment for nursing facility services provided by county nursing facilities; Medical Assistance Day One Incentive payments to county nursing facilities for fiscal year 2015-2016.....	4317

### FISH AND BOAT COMMISSION

#### Notices

Additions to list of Class A wild trout waters .....	4317
Classification of wild trout streams; additions and revisions to list.....	4318

### GOVERNOR'S OFFICE

#### Statements of Policy

Executive orders, management directives, and other issuances of the directives management system indexed for reference purposes.....	4236
--	------

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of comments issued .....	4318
---------------------------------	------

### INSURANCE DEPARTMENT

#### Notices

Appeal of Atlantis Petro, LLC under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF file No. 2014-0010(F); doc. No. UT15-07-013.....	4319
Application for merger of Express Scripts Insurance Company with and into Medco Containment Life Insurance Company.....	4319
Application for renewal of designation as a certified reinsurer.....	4319
Review procedure hearings under the Unfair Insurance Practices Act .....	4319

### PENNSYLVANIA GAMING CONTROL BOARD

#### Proposed Rulemaking

Hybrid gaming tables and electronic wagering terminals .....	4170
Table game rules of play .....	4185

### PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY

#### Rules and Regulations

Student financial aid.....	4163
----------------------------	------

---

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**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Notices**

2016 schedule of filing dates for recovery of purchased gas costs; doc. No. L-840102 ..... 4320  
Service of notice of motor carrier applications. .... 4320  
Service of notice of motor carrier formal complaints. 4321

**PHILADELPHIA REGIONAL PORT AUTHORITY**

**Notices**

Request for bids ..... 4333

**STATE BOARD OF NURSING**

**Notices**

Bureau of Professional and Occupational Affairs v. Misti E. Wolf; doc. No. 0839-51-2015 ..... 4333

**STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS**

**Notices**

Bureau of Professional and Occupational Affairs v. Christopher A. Carmoney; doc. No. 0837-60-2015.. 4333

# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND THE PENNSYLVANIA CODE

## *Pennsylvania Bulletin*

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa. Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at [www.pacode.com](http://www.pacode.com).

Source Notes give the history of regulations. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde\\_index.cfm](http://www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm).

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at [www.pabulletin.com](http://www.pabulletin.com).

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised. A fiscal note provides the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the 5 succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the 5 succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2015.

## 4 Pa. Code (Administration)

### Adopted Rules

1	653, 766, 1062
6	542, 543, 768, 1064
7	655, 656
7a	656, 1937, 2455

### Statements of Policy

1	4236
9	561, 1115, 1267, 2719, 3220, 3549, 3714, 4003

## 7 Pa. Code (Agriculture)

### Adopted Rules

128	308
137b	3311

## 10 Pa. Code (Banking and Securities)

### Adopted Rules

57	408
----	-----

## 22 Pa. Code (Education)

### Adopted Rules

121	4163
-----	------

## 25 Pa. Code (Environmental Protection)

### Adopted Rules

93	2829
806	16

### Proposed Rules

215	1367
901	2611

## 28 Pa. Code (Health and Safety)

### Adopted Rules

25	3708
----	------

## 40 Pa. Code (Liquor)

### Adopted Rules

3	2594
---	------

### Proposed Rules

5	1850
7	2479, 2614
13	2478

## 49 Pa. Code (Professional and Vocational Standards)

### Adopted Rules

1	2466
43b	3360

### Proposed Rules

5	2887
11	2878
37	2368
43b	2704, 2874

## 52 Pa. Code (Public Utilities)

### Adopted Rules

3	2468
5	2468
23	2468
29	3828
31	2468
32	2468

## Proposed Rules

53	1264
54	1258
62	2705
1017	2876

## Statements of Policy

52	3856
----	------

## 55 Pa. Code (Public Welfare)

### Statements of Policy

181	1633
-----	------

## 58 Pa. Code (Recreation)

### Adopted Rules

63	1616
65	1256, 3840
75	3841
97	1616
103	1616
131	560
133	1363
135	2596
139	2596, 2603
141	2604, 2605, 2606, 2607
143	1365
147	1363, 1366, 2606, 2607, 2608, 3362
421a	2829
423a	2829
425a	2829
427a	2829
429a	2829
431a	2829
433a	2829
435a	2829
437a	2829
440a	2829
441a	2829
461a	2829
465a	2358, 2829
609a	2829
623a	2829
633a	2829
643a	2829
645a	2829

## Proposed Rules

61	1619, 3854
63	1619
65	1257, 1619
79	1619
97	3844
109	3844
111	3844
115	3844
135	1374
139	1375, 1381
141	1369, 1371, 1372, 1630
147	1371, 1372, 1631
461a	4170
463a	4170
465a	4170, 4185
583	4185
585	4185
587	4185



588	4185
589	4185
590	4185
591	4185
592	4185
593	4185
601a	4170
605a	4170
607a	4170
611a	4185
659a	1383
667a	4185
668a	4185
669a	4185
670a	4185
671a	4185
672a	4185
673a	4185
674a	4185
675a	4185
676a	4185

**61 Pa. Code (Revenue)****Adopted Rules**

899	2359
-----	------

**Proposed Rules**

701	2362
702	2362
703	2362

**67 Pa. Code (Transportation)****Proposed Rules**

71	2716, 3711
83	2255, 3218

**101 Pa. Code (General Assembly)****Statements of Policy**

31	2051
303	2051

**201 Pa. Code (Rules of Judicial Administration)****Adopted Rules**

6	1838
19	2040
40	2589

**204 Pa. Code (Judicial System General Provisions)****Adopted Rules**

81	279, 953, 2825
82	2825
83	279, 953
85	2457
87	544
89	544
91	544
93	544, 2457
95	544
303	3457

**Proposed Rules**

213	661
303	1751

**207 Pa. Code (Judicial Conduct)****Adopted Rules**

33	8, 1841, 4154, 4156
51	860, 1838

**210 Pa. Code (Appellate Procedure)****Adopted Rules**

11	288
19	1943
21	290
37	3975
69	3975

**Proposed Rules**

1	1605
21	1605

**231 Pa. Code (Rules of Civil Procedure)****Adopted Rules**

200	291, 1490, 3801, 3976
1910	1354, 1842, 2352
1915	1354, 4158
1920	1354, 2457
1930	1354
1950	3802
3000	2825

**Proposed Rules**

200	1843
400	1249
1000	1249
1900	1250
1915	1606
1950	1607
Part II	1070

**234 Pa. Code (Rules of Criminal Procedure)****Adopted Rules**

4	2040
6	3980
10	2040

**Proposed Rules**

1	2140
4	1846, 3978
5	3810
7	675, 3978

**237 Pa. Code (Juvenile Rules)****Adopted Rules**

1	953, 3986
11	3986, 3987
12	3987
13	3987
14	3987
15	3987
16	3987

**Proposed Rules**

4	1491
16	3999

**246 Pa. Code (Minor Court Civil Rules)****Adopted Rules**

100	3811
200	3811
800	1492
1200	3811

**Proposed Rules**

200	954, 1251
300	1356, 1358
400	954, 1252
500	954, 1111, 1356
800	954
1000	954, 1111, 1358

**249 Pa. Code (Philadelphia Rules)**

Unclassified . . . . . 291, 306, 2461, 2826, 3201

**252 Pa. Code (Allegheny County Rules)**

Unclassified . . . . . 2464

**255 Pa. Code (Local Court Rules)**

Unclassified . . . . . 8, 10, 11, 407, 555, 676, 677, 678, 771,  
772, 773, 860, 861, 862, 964, 1113, 1114, 1254, 1360, 1496,  
1847, 1848, 1943, 1947, 1950, 2047, 2239, 2240, 2241,  
2356, 2357, 2464, 2465, 2589, 2592, 2703, 2826, 2827,  
3201, 3215, 3308, 3548, 3816, 3822, 3825, 3826, 4002,  
4160, 4162

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART II. CONDUCT STANDARDS

[ 207 PA. CODE CH. 33 ]

#### Formal Advisory Opinion 2015-2

Notice is hereby given that the Ethics Committee of the Pennsylvania Conference of State Trial Judges has issued Formal Advisory Opinion 2015-2 Affiliation with Discriminatory Organizations which is set forth as follows.

EDWARD D. REIBMAN,  
Chairperson  
Ethics Committee  
Pennsylvania Conference of State Trial Judges

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART II. CONDUCT STANDARDS

#### CHAPTER 33. CODE OF JUDICIAL CONDUCT

##### Subchapter B. FORMAL OPINIONS

#### § 15-2. Affiliation with Discriminatory Organizations.

A function of the Ethics Committee of the Pennsylvania Conference of State Trial Judges (“the Committee”) is to provide guidance regarding ethical concerns to judicial officers subject to the Code of Judicial Conduct. The Code of Judicial Conduct that became effective on July 1, 2014, addressed, specifically, a judge’s affiliation with organizations that discriminate invidiously on the basis of race, sex, gender, religion, national origin, ethnicity, disability or sexual orientation. The Committee issues this Formal Advisory Opinion to assist judges on a matter of general importance to judicial officers subject to the Code. This Formal Advisory Opinion is general in nature. It does not address a particular entity or group of persons, and is not in response to a specific request for an advisory opinion from a judicial officer. Therefore, the “rule of reliance” set forth in Preamble (8) of the new Code does not apply to this Formal Advisory Opinion.<sup>1</sup>

I.

Prior to July 1, 2014, the Code of Judicial Conduct then in effect simply encouraged judges to promote “public confidence in the integrity and impartiality of the judiciary” and permitted judges to “participate in civic and charitable activities that do not reflect adversely upon their impartiality...”<sup>2</sup> It did not specifically address membership in any organization or the use of its facilities.

However, the new Code, which became effective on July 1, 2014, addresses, specifically, a judge’s affiliation with organizations that discriminate invidiously on the basis of

race, sex, gender, religion, national origin, ethnicity, disability or sexual orientation. Rule 3.6 of the Code provides:

#### *Affiliation with Discriminatory Organizations.*

(A) A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, disability or sexual orientation.

(B) A judge shall not use the benefits or facilities of an organization if the judge knows or should know that the organization practices invidious discrimination on one or more of the bases identified in paragraph (A). A Judge’s attendance at an event in a facility of an organization that the judge is not permitted to join is not a violation of this Rule when the judge’s attendance is an isolated event that could not reasonably be perceived as an endorsement of the organization’s practices.

And Comment (3) to the Rule states:

When a judge learns that an organization to which the judge belongs engages in invidious discrimination, the judge must resign immediately from the organization.

II.

#### A. The “Organization”

The Rule does not purport to reach informal, social groups. It is directed to an affiliation with a discriminatory “organization.” Nor does the Code define “organization.” Whether a particular group of persons or entity is an “organization” under the Rule may depend upon its formal level of structure. For example, whether it has by-laws, officers, or a mission statement; whether it is part of a hierarchy; and whether its membership is consistent and how they are added or replaced may be relevant factors in determining whether the group or entity is an “organization.”

#### B. Discrimination

Use of the word “discrimination” often generates some confusion. As Robert K. Fullinwider wrote in *The Reverse Discrimination Controversy* (1980), at pp. 11-12:

The dictionary sense of ‘discrimination’ is neutral while the current political use of the term is frequently non-neutral, pejorative. With both a neutral and a non-neutral use of the word having currency, the opportunity for confusion in arguments about racial discrimination is enormously multiplied. For some, it may be enough that a practice is called discriminatory for them to judge it wrong. Others may be mystified that the first group condemns the practice without further argument or inquiry. Many may be led to the false sense that they have actually made a moral argument by showing that the practice discriminates (distinguishes in favor or against). The temptation is to move from ‘X discriminates’ to ‘X distinguishes in favor of or against’ to ‘X is wrong’ without being aware of the equivocation involved.

“Discrimination” simply means differentiation. Rule 3.6 requires a determination of whether any differentiation, i.e. separate treatment, is based on any of the following classifications: race, sex, gender, religion, national origin, ethnicity, disability or sexual orientation. Those classifications are referred to here as the “protected classifications.”

<sup>1</sup> Preamble (8) states:

The Ethics Committee of the Pennsylvania Conference of State Trial Judges is designated as the approved body to render advisory opinions regarding ethical concerns involving judges, other judicial officers and judicial candidates subject to the Code of Judicial Conduct. Although such opinions are not, *per se*, binding upon the Judicial Conduct Board, the Court of Judicial Discipline or the Supreme Court of Pennsylvania, action taken in reliance thereon and pursuant thereto shall be taken into account in determining whether discipline should be recommended or imposed.

<sup>2</sup> Canons 2 A and 5 B of the pre-July 1, 2014, Code of Judicial Conduct.

The Rule pertains to any practice of the organization that discriminates, or treats one differently, on the basis of any of the protected classifications. Separate treatment can take many forms, e.g. whether one can become or becomes a member of the organization, whether one is afforded a different class of membership within the organization, whether one is afforded access to the same facilities or other privileges of the organization, whether one can become an officer or director of the organization, etc. Any treatment that is different is discrimination, and the Rule addresses those practices that differentiate on the basis of any one of the protected classifications. It does not mean individuals who are members of a protected classification are entitled to preferential treatment; it means they are not to be treated differently because of their race, sex, gender, religion, national origin, ethnicity, disability or sexual orientation.

### C. Invidious

Not all discrimination is unlawful, unethical or actionable under the Code. The Rule addresses discrimination that is “invidious.” The term “invidious” is not defined in the Code. *Black’s Law Dictionary* (7th ed.) defines “invidious discrimination” as “[d]iscrimination that is offensive or objectionable, esp. because it involves prejudice or stereotyping.” Definitions in other dictionaries include treating a class of persons unequally in a manner that is malicious, hostile or damaging; stigmatizing persons as inferior, odious or otherwise socially unacceptable; or in a way that is likely to arouse or incur resentment or anger. The court in *Farber v. City of Paterson*, 440 F.3d 131 (3d Cir. 2006), found discrimination invidious when the distinction is motivated by immutable characteristics which have no relationship to ability to perform or contribute to society.

Whether discrimination is “invidious” is a complex question that depends upon a variety of factors. Comment (2) to the Rule states:

[a]n organization is generally said to discriminate invidiously if it arbitrarily excludes from membership on the basis of . . . [any of the protected classifications] persons who would otherwise be eligible for admission. Whether an organization practices invidious discrimination is a complex question to which judges should be attentive. The answer cannot be determined from a mere examination of an organization’s current membership rolls, but rather, depends upon how the organization selects its members, as well as other relevant factors, such as whether the organization is dedicated to the preservation of religious, ethnic, or cultural values of legitimate common interest to its members, or whether it is an intimate, purely private organization whose membership limitations could not constitutionally be prohibited.

Other factors may include the history or purpose of the organization, whether the practices of the organization have a rational basis toward a legitimate purpose, and whether such practices are narrowly tailored to further that legitimate purpose. In short, the focus should be on the legitimacy of the distinguishing criteria employed to accomplish the organization’s stated goals and interests, as opposed to stigmatizing or denigrating those who may be affected.

### III.

The Committee recognizes the existence of competing interests at play. There is the “expressive associational right” of an organization to exclude persons whose views may impair the ability of the group to express its views.

There is the freedom of individuals to associate, which presupposes the freedom not to associate. There is the state’s interest in eliminating discrimination in education, employment, housing, public accommodations, etc. And there is the Supreme Court’s interest in having a “fair, honorable and impartial judiciary” as “indispensable to our system of justice,” by requiring judges to “avoid [] both impropriety and the appearance of impropriety in their professional and personal lives” by conducting themselves “in a manner that garners the highest level of public confidence in their independence, fairness, impartiality, integrity, and competence.”<sup>3</sup>

The overarching purpose, or rationale, for Rule 3.6 is stated in Comment (1) to the Rule:

A judge’s public manifestation of approval of invidious discrimination on any basis gives rise to the appearance of impropriety and diminishes public confidence in the integrity and impartiality of the judiciary. A judge’s membership in an organization that practices invidious discrimination creates the perception that the judge’s impartiality is impaired.

This reference to the appearance of impropriety and the public’s confidence in the integrity and impartiality of the judiciary relates back to Canon 1 and Rule 1.2 of the Code.

Canon 1 provides:

A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Rule 1.2 provides:

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and appearance of impropriety.

In conducting any analysis, a judge must always be mindful of Canon 1 and Rule 1.2.<sup>4</sup>

In going through this analysis and applying these various factors, a judge must thoroughly investigate the history and purposes of the organization and fully understand the current policies and practices which are discriminatory. Also for a judge’s consideration are the role the local chapter, council, branch, lodge, agency, etc., plays in developing and implementing or enforcing those policies and practices, and the nature of the organization’s activities locally and in the broader geographic area where it operates.

Therefore, a judge must assess how the members of the public and the community which the judge serves perceive the organization and its policies and practices. A judge must determine whether membership would create in reasonable minds a perception that the judge violated the code or engaged in other conduct that reflects adversely on the judge’s honesty, impartiality, temperament, or fitness to serve as a judge. A judge should consider whether the perception of “reasonable minds” in the geographic area served by the judge might vary from that

<sup>3</sup> Code of Judicial Conduct, Preamble (2) and (3).

<sup>4</sup> Note, Comment (4) to the Rule provides that “[a] judge’s membership in a religious organization as a lawful exercise of the freedom of religion is not a violation of this Rule.”



of “reasonable minds” in other areas of Pennsylvania, and whether or not that could, or should, make a difference.

In addition to these comments, appellate courts may provide a source of information on whether membership limitations are constitutionally permitted or prohibited. *See, e.g., Boy Scouts of America v. Dale*, 530 U.S. 640 (2000) (organization engaging in qualified right of “expressive association” not required to accept members who may impair organization’s ability to advocate for its viewpoint). However, a judge must be aware that consideration of a constitutional challenge alone does not end the analysis under the Code. The mere fact the organization may have the constitutional right to discriminate does not necessarily mean a judge may be a member of it. In promulgating Rule 3.6, the Supreme Court is advancing its interests in trying to ensure a fair and impartial judiciary in which all citizens can have confidence. As the United States Supreme Court said in *Dale*:

... the freedom of expressive association, like many freedoms, is not absolute. We have held that the freedom could be overridden “by regulations adopted to serve compelling state interests, unrelated to the suppression of ideas, that cannot be achieved through means significantly less restrictive of associational freedoms.”

*Id.*, 530 U.S. at 648. The advisory opinions of ethics committees of other states on the particular subject may also assist the judge, but they, of course, are not binding on our Supreme Court or the Committee.

Ultimately, a judge must be guided by the underlying purposes of Rule 3.6 that membership in an organization by a judge must not give rise to the appearance of impropriety thus diminishing public confidence in the integrity and impartiality of the judiciary, nor must it create a perception that the judge’s impartiality is impaired. And, a judge should be mindful of the admonition of Rule 3.1(C) that a judge shall not “participate in activities that would reasonably appear to undermine the judge’s independence, integrity or impartiality.”

While the Committee acknowledges judges would like definitive answers to their questions as to whether they may or may not belong to particular organizations, the Committee is unable to do so. The Committee does not possess the resources to perform the kind of investigation that would be required to decide that issue properly among the myriad of organizations and almost infinite subchapters to which our judges belong or to engage in the type of balancing between the competing interests at play. Each judge must decide this issue on the relevant facts being mindful of the various interests at play.

This Formal Advisory Opinion is intended to provide judicial officers subject to the Code of Judicial Conduct with broad guidance regarding one of the Committee’s most difficult areas of inquiry. Judicial officers are reminded that to enjoy the rule of reliance on the Committee’s advice, or if they have a question concerning the application of these guidelines, they should make a written request for advice from a member of the Committee tailored to the particular situation confronted. The Code provides that although such opinions are not *per se* binding on the Judicial Conduct Board, the Court of Judicial Discipline, or the Supreme Court of Pennsylvania, action taken in reliance thereon shall be considered in determining whether discipline should be recommended or imposed.

[Pa.B. Doc. No. 15-1404. Filed for public inspection July 31, 2015, 9:00 a.m.]

## PART II. CONDUCT STANDARDS

### [ 207 PA. CODE CH. 33 ]

#### Formal Advisory Opinion 2015-3

Notice is hereby given that the Ethics Committee of the Pennsylvania Conference of State Trial Judges has superseded Formal Opinion 2011-1 Certain Fundraising Activities and has replaced it with Formal Advisory Opinion 2015-3 Certain Fundraising Activities which is set forth as follows.

EDWARD D. REIBMAN,  
Chairperson

Ethics Committee  
Pennsylvania Conference of State Trial Judges

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART II. CONDUCT STANDARDS

#### CHAPTER 33. CODE OF JUDICIAL CONDUCT

##### Subchapter B. FORMAL OPINIONS

#### § 11-1. (Reserved).

#### § 15-3. Certain Fundraising Activities.

The Ethics Committee of the Pennsylvania Conference of State Trial Judges (“Ethics Committee”) regularly receives inquiries regarding the propriety of participating in fundraising events on behalf of civic and charitable activities in which judges are involved. Because of the frequency of such inquiries, the Ethics Committee has decided to issue this Formal Advisory Opinion in order to provide guidance to judicial officers subject to the Code of Judicial Conduct (“Code”).

Canon 3 of the Code addresses a judge’s involvement in personal and extrajudicial activities. It provides: “A judge shall conduct the judge’s personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.”

Comment (1) under Rule 3.1 states:

... judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law[.]

and Comment (2) states:

[p]articipation in both law-related and other extrajudicial activities helps integrate judges into their communities, and furthers public understanding of and respect for courts and the judicial system.

Rules 3.1, 3.6 and 3.7 address the broad limitations and concerns regarding the circumstances in which judges may properly participate in such activities. For example, judges may not participate in extrajudicial activities that “will interfere with the proper performance” of their judicial duties; “lead to frequent disqualification;” “reasonably appear to undermine the judge’s independence, integrity, or impartiality;” “engage in conduct that would reasonably appear to be coercive;” “hold membership in,” or “use the benefits or facilities” of, an organization “that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, disability or sexual orientation;” or be “an officer, director, trustee, or nonlegal advisor” of an organization that “is likely . . . to be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.”

This Formal Advisory Opinion addresses the nature and extent of fundraising activities held on behalf of civic and charitable organizations in which a judge's participation is permissible.

In pertinent part, Rule 3.7(B) of the Code provides:

\* \* \* \* \*

(2) A judge shall not personally solicit funds for any educational, religious, charitable, fraternal or civic organization, or use or permit the use of the prestige of the judicial office for that purpose, but may be listed as an officer, director or trustee of such an organization. A judge shall not be a speaker or the guest of honor at an organization's fundraising events that are not for the advancement of the legal system, but may attend such events.

(3) A judge shall not give investment advice to such an organization.

\* \* \* \* \*

The prohibition against judges *personally* soliciting funds for any educational, religious, charitable, fraternal or civic organization, or using or permitting the use of the prestige of their office for that purpose, is a change from the Code of Judicial Conduct that was in effect prior to July 1, 2014. With respect to those types of organizations, the prior code stated "Judges should not solicit funds..."<sup>1</sup> The current Code, effective July 1, 2014, added the word "personally." The prohibition applies regardless of how worthwhile the organization or its activities may be, and it prohibits judges from being the guest speaker or guest of honor at fundraising dinners or events that are not for the advancement of the legal system. Judges, however, may attend such events and contribute to them subject to the broader limitations of the Rules.

Faced with reduced budgets and shrinking charitable contributions, organizations have turned to novel and creative fundraising efforts to swell the crowd or otherwise raise money by involving judges. The Ethics Committee has been presented with a wide variety of such efforts. Without attempting to offer an all inclusive list of all the potential activities that fall within the ambit of Rule 3.7(B), they have included using a judge as an attraction or celebrity participant such as Dancing with the Stars, Competing with the Stars in Sporting Events, Celebrity Auctioneer and Celebrity Contributor. While celebrities and other government officials may lend their personal, professional or other forms of celebrity status to the fundraising efforts of an organization, such activity by a judge is prohibited. In sum, a judge may not permit an organization to capitalize on, exploit or showcase a judge's attendance at or participation in such events by advertising that fact or issuing invitations citing the judge's attendance or participation in advance of the event. A judge who allows himself or herself to be used in this manner is engaged in a solicitation of funds in violation of Rule 3.7(B)(2).

This does not mean that a judge is precluded from receiving a well-earned award from an organization or even being recognized at an event. It means the judge cannot allow his or her presence at the event or the fact that he/she will receive an award at it be used to promote a fundraising event unless the exception for the advancement of the legal system applies. The critical harm to be avoided is the exploitation of the judicial office.

Therefore, while judges may attend fundraising events that do not violate the broader prohibition of reflecting adversely upon the judge's impartiality or interfere with the performance of the judge's judicial duties, a judge should not be featured as a highlight of any such event. Accordingly, advertising the judge's presence, placing the judge in a strategic position to influence potential customers or contributors, having a judge endorse a fundraising event or product, or having a judge sell tickets, may each lead to effects the Code is designed to prevent. These include making people feel obligated to contribute or otherwise participate in the event; enabling them, or others, to believe they are currying favor with the judge; diminishing the office of judge by turning it into a marketing tool; and pressuring other judges into participating in similar causes. A judge who allows himself or herself to be used in this manner is engaged in the solicitation of funds in direct violation of Rule 3.7(B)(2). Because of the overall prophylactic purpose of this Rule, the worthiness of the cause for which the funds are being raised is irrelevant.

If, after considering the foregoing principles, a judge decides to attend or participate in a fundraising event, additional consideration must be given to the mandate of Rule 3.7(A) that a judge's "avocational activities do not detract from the dignity of their office". Accordingly, the indicia of the office of judge, including the judicial robe, gavel and courtroom, should never be utilized or depicted in any manner which would compromise respect for the judiciary or the judicial process. Attendance at, or participation in events that do so, would also be prohibited by Rule 3.7.

This Opinion is obviously not intended as an exhaustive discussion of all of the potential activities permitted or prohibited under the Code. Instead, its primary focus is to address how judges may participate in the fundraising aspects of civic and charitable activities without running afoul of Rule 3.7's prohibition against using or permitting the use of the prestige of the judicial office for the solicitation of funds on behalf of those organizations in which they are involved. By remaining sensitive to the potential exploitation of the judicial office—or more specifically, the "judge as judge"—the salutary purposes animating the Code will be better served and the preservation of an independent judiciary can continue to be assured.

Commonly referred to as "the rule of reliance," Preamble (8) of the Code of Judicial Conduct provides:

The Ethics Committee of the Pennsylvania Conference of State Trial Judges is designated as the approved body to render advisory opinions regarding ethical concerns involving judges, other judicial officers and judicial candidates subject to the Code of Judicial Conduct. Although such opinions are not binding per se upon the Judicial Conduct Board, the Court of Judicial Discipline or the Supreme Court of Pennsylvania, action taken in reliance thereon and pursuant thereto shall be taken into account in determining whether discipline should be recommended or imposed.

To obtain the "rule of reliance," an individual subject to the Code of Judicial Conduct shall present to a member of the Ethics Committee a particular factual scenario, in writing, to which the inquirer seeks advice regarding his/her prospective conduct.

To reiterate, the purpose of this Formal Advisory Opinion is to provide guidance on a matter of general

<sup>1</sup> Canon 5B(2) of the "old" Code of Judicial Conduct.

importance to the Conference. It is not a substitute for an advisory opinion by the Ethics Committee to an individual judicial officer on specific facts.

[Pa.B. Doc. No. 15-1405. Filed for public inspection July 31, 2015, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### [ 231 PA. CODE CH. 1915 ]

**Order Amending Rules 1915.3, 1915.3-2, 1915.12, 1915.15 and 1915.17 of the Rules of Civil Procedure; No. 629 Civil Procedural Rules Doc.**

#### Order

##### *Per Curiam*

And Now, this 20th day of July, 2015, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 44 Pa.B. 5828 (September 13, 2014):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1915.3, 1915.3-2, 1915.12, 1915.15 and 1915.17 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on September 1, 2015.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

##### **Rule 1915.3. Commencement of Action. Complaint. Order.**

\* \* \* \* \*

(e) A grandparent who is not in loco parentis to the child and is seeking physical and/or legal custody of a grandchild pursuant to 23 Pa.C.S. § 5323 must plead, in paragraph 9 of the complaint set forth at Rule 1915.15(a), facts establishing standing under § 5324(3). A grandparent or great-grandparent seeking partial physical custody or supervised physical custody must plead, in paragraph 9 of the complaint, facts establishing standing pursuant to 23 Pa.C.S. § 5325.

**(f) An unemancipated minor parent may commence, maintain or defend an action for custody of the minor parent's child without the requirement of the appointment of a guardian for the minor parent.**

Rule 1915.3-2. Criminal **Record** or Abuse History.

(a) *Criminal **Record** or Abuse History Verification.* [ **The petitioner** ] **A party** must file and serve with the

complaint, [ **or** ] any petition for modification, **any counterclaim, any petition for contempt or any count for custody in a divorce complaint or counterclaim** a verification regarding any criminal **record** or abuse history of [ **the petitioner** ] **that party** and anyone living in [ **the petitioner's** ] **that party's** household. The verification shall be substantially in the form set forth in subdivision (c) below. The [ **petitioner** ] **party** must attach a blank verification form to a complaint, **counterclaim** or petition served upon the [ **respondent** ] **other party**. Although the [ **respondent** ] **party served** need not file a responsive pleading pursuant to Rule 1915.5, [ **the respondent** ] **he or she** must file with the court a verification regarding [ **any criminal or abuse history of the respondent and anyone living in the respondent's** ] **his or her own criminal record or abuse history and that of anyone living in his or her household** on or before the initial in-person contact with the court (including, but not limited to, a conference with a conference officer or judge or conciliation, depending upon the procedure in the judicial district) but not later than 30 days after service of the complaint or petition [ **upon the respondent** ]. **A party's failure to file a Criminal Record or Abuse History Verification may result in sanctions against that party.** Both parties shall file and serve updated verifications five days prior to trial.

(b) *Initial Evaluation.* At the initial in-person contact with the court, the judge, conference officer, conciliator or other appointed individual shall perform an initial evaluation to determine whether the existence of a criminal or abuse history of either party or a party's household member poses a threat to the child and whether counseling is necessary. The initial evaluation required by 23 Pa.C.S. § 5329(c) shall not be conducted by a mental health professional. After the initial evaluation, the court may order further evaluation or counseling by a mental health professional if the court determines it is necessary. Consistent with the best interests of the child, the court may enter a temporary custody order on behalf of a party with a criminal history or a party with a household member who has a criminal history, pending the party's or household member's evaluation and/or counseling.

**Official Note:** The court shall consider evidence of criminal **record** or abusive history presented by the parties. There is no obligation for the court to conduct an independent investigation of the criminal **record** or abusive history of either party or members of their household. The court should not consider ARD or other diversionary programs. When determining whether a party or household member requires further evaluation or counseling, or whether a party or household member poses a threat to a child, the court should give consideration to the severity of the offense, the age of the offense, whether the victim of the offense was a child or family member and whether the offense involved violence.

(c) *Verification.* The verification regarding criminal or abuse history shall be substantially in the following form:



(Caption)  
CRIMINAL RECORD/ABUSE HISTORY VERIFICATION

\* \* \* \* \*

5. If you are aware that the other party or members of the other party's household has or have a criminal **record**/abuse history, please explain: \_\_\_\_\_

\* \* \* \* \*

**Rule 1915.12. Civil Contempt for Disobedience of Custody Order. Petition. Form of Petition. Service. Order.**

\* \* \* \* \*

(c) The petition shall be in substantially the following form:

(Caption)  
PETITION FOR CIVIL CONTEMPT FOR DISOBEDIENCE OF CUSTODY ORDER

The Petition of \_\_\_\_\_, respectfully represents:

1. That on \_\_\_\_\_, Judge \_\_\_\_\_ entered an Order awarding (Petitioner) (Respondent) (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical [ **cusody** ] **custody**) (sole physical custody) (supervised physical custody) of the minor child(ren)

(Name(s) of Child(ren))

A true and correct copy of the order is attached to this petition.

2. Respondent has willfully failed to abide by the order in that

**3. Petitioner has attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. No. 1915.3-2.**

WHEREFORE, Petitioner requests that Respondent be held in contempt of court.

(Attorney for Petitioner) (Petitioner)

I verify that the statements made in this [ **complaint** ] **petition** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date \_\_\_\_\_

Petitioner \_\_\_\_\_

\* \* \* \* \*

**Rule 1915.15. Form of Complaint. Caption. Order. Petition to Modify a Custody Order.**

(a) The complaint in an action for custody shall be in substantially the following form:

(Caption)  
COMPLAINT FOR CUSTODY

1. The plaintiff is \_\_\_\_\_, residing at

(Street) (City) (Zip Code) (County)

2. The defendant is \_\_\_\_\_, residing at

(Street) (City) (Zip Code) (County)

\* \* \* \* \*

[ **The mother** ] **A parent** of the child is \_\_\_\_\_, currently residing at \_\_\_\_\_.

[ **She** ] **This parent** is (married) (divorced) (single).

[ **The father** ] **A parent** of the child is \_\_\_\_\_, currently residing at \_\_\_\_\_.

[ **He** ] **This parent** is (married) (divorced) (single).

\* \* \* \* \*

10. [ **I have** ] **Plaintiff has** attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. No. 1915.3-2.

\* \* \* \* \*

(b) A petition to modify a custody order shall be in substantially the following form:

(Caption)

PETITION FOR MODIFICATION OF A CUSTODY ORDER

1. The petition of \_\_\_\_\_ respectfully represents that on \_\_\_\_\_, 20\_\_ an Order of Court was entered for (shared legal custody) (sole legal custody) (partial physical custody) (primary physical custody) (shared physical custody) (sole physical custody) (supervised physical custody), a true and correct copy of which is attached.

2. This Order should be modified because: \_\_\_\_\_

**3. Petitioner has attached the Criminal Record/Abuse History Verification form required pursuant to Pa.R.C.P. No. 1915.3-2.**

WHEREFORE, Petitioner requests that the Court modify the existing Order because it will be in the best interest of the child(ren).

(Attorney for Petitioner) (Petitioner)

I verify that the statements made in this [ **complaint** ] **petition** are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner

\* \* \* \* \*

**Rule 1915.17. Relocation. Notice and Counter-Affidavit.**

(a) A party proposing to change the residence of a child **which significantly impairs the ability of a non-relocating party to exercise custodial rights** must notify every other person who has custodial rights to the child and provide a counter-affidavit by which a person may agree or object. The form of the notice and counter-affidavit are set forth in subdivisions (i) and (j) below. The notice shall be sent by certified mail, return receipt requested, addressee only or pursuant to Pa.R.C.P. No. 1930.4, no later than the sixtieth day before the date of the proposed change of residence or other time frame set forth in 23 Pa.C.S. § 5337(c)(2).

\* \* \* \* \*

[Pa.B. Doc. No. 15-1406. Filed for public inspection July 31, 2015, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### BERKS COUNTY

#### **Accelerated Rehabilitative Disposition in Summary Cases; No. CP06 AD 000024-2015 Clerk of Courts**

#### **Administrative Order**

*And Now*, this 24th day of June, 2015, pursuant to Pennsylvania Rules of Criminal Procedure 300—302, it is *Ordered* that the following amended procedures are adopted for an Accelerated Rehabilitative Disposition program for certain summary cases in the Magisterial District Courts within the Twenty-third Judicial District of Pennsylvania.

The District Court Administrator of Berks County is *Ordered* and *Directed* to provide copies to the appropriate entities pursuant to Pa.R.Crim.P. 105:

1. File one (1) certified copy of this Administrative Order and Local Rule with the Administrative Office of Pennsylvania Courts.

2. Distribute two (2) certified paper copies of this Administrative Order and Local Rule and one (1) computer diskette or CD-ROM containing this Order and Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of the Administrative Order and Local Rule on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. Keep continuously available for public inspection copies of the Administrative Order and Local Rule in the office of the Prothonotary or Clerk of Courts.

This Administrative Order shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

PAUL M. YATRON,  
*President Judge*

#### **Accelerated Rehabilitative Disposition (ARD)**

#### **Rule 300. Accelerated Rehabilitative Disposition in Summary Cases.**

1. Upon request of the District Attorney of Berks County, a defendant with no prior criminal record, charged with his/her first summary offense, except offenses arising under Title 34 (Game and Wildlife Code)

and Title 75 (Vehicle Code), shall be eligible for Summary Case Accelerated Rehabilitative Disposition (hereinafter ARD) to be supervised by the Magisterial District Judge (hereinafter MDJ) pursuant to Pa.R.Crim.P. 300—302 and 42 Pa.C.S.A. § 1520.

**Rule 301. Procedures for Accelerated Rehabilitative Disposition in Summary Cases before the Minor Judiciary.**

1. The cost of the ARD program for summary cases is \$100.00.

2. The defendant shall make written application to the MDJ for admission into the summary ARD program.

a. Upon receipt of the application for admission into the summary ARD program, the MDJ shall forward to the District Attorney a copy of the defendant's application.

b. The District Attorney shall review said application and notify the MDJ of a decision to either approve or deny the application. If the District Attorney denies the application, the MDJ shall be notified of the reason(s) for denial.

3. If the District Attorney denies the defendant's application, the MDJ shall notify the defendant that his/her application has been denied and the case shall then proceed in accordance with Chapter 4 of the Pennsylvania Rules of Criminal Procedure. If the District Attorney approves the defendant's application, the MDJ shall notify the defendant of such approval and shall set a hearing date for admission into the program.

4. A defendant accepted into ARD may be referred to any of the following programs and shall pay any costs associated with a program. If a defendant is referred to any of the following programs, the defendant shall contact the office or agency administering the program to ascertain the cost of the program and acceptable method of payment.

- a. The Underage Drinking Program of Berks County
- b. STOPLIFT Adult Shoplifting Intervention Program
- c. STOPLIFT Juvenile Shoplifting Intervention Program
- d. Adult Probation Community Service Program

e. Juvenile Probation Community Service Program

f. A recommended program subject to approval by the District Attorney.

5. Community service program hours shall be assigned in 4-hour increments and shall not exceed 40 hours for offenders referred to the Adult Probation Community Service Program or shall not exceed 20 hours for offenders referred to the Juvenile Probation Community Service Program.

6. All costs and restitution, if any, must be paid before completion of the ARD program.

7. If the MDJ deems that the defendant has met all of the requirements of the ARD program, the summary charge filed against the defendant shall be dismissed. In the MDJS, the summary case appears "ARD Open" while the defendant is on ARD. Upon completion of the ARD program, the MDJ shall record a "Dismissed by ARD" disposition to close the case. If the MDJ deems that the defendant has failed to complete all of the requirements of the ARD Program, the defendant shall be terminated from the ARD program, and the case shall proceed in accordance with Chapter 4 of the Pennsylvania Rules of Criminal Procedure. No summary case shall remain active for purposes of ARD supervision in excess of six (6) months.

In the MDJS, "ARD Open" and "Dismissed by ARD" shall not be used for any summary case that is not processed through the District Attorney's ARD program for summary cases.

8. Each MDJ shall submit to the District Attorney a monthly report on the disposition of all cases eligible for ARD, where applications were submitted for admission into the program. The District Attorney shall compile these monthly reports and monitor the cases. The monthly report submitted by each MDJ shall include: a record of defendants who participate in the ARD program; those who were eligible but not admitted to ARD and the reasons for not admitting the defendant; those who complete the ARD program; those who do not complete the program; and those defendants that pay in full the costs associated with the program.

9. The ARD application referred to in paragraph 2 shall be in substantially the following form:

Commonwealth of Pennsylvania

vs.

Magisterial District 23- \_\_\_\_\_

Docket No.: \_\_\_\_\_

**APPLICATION FOR ACCELERATED REHABILITATIVE DISPOSITION (ARD)  
FOR A SUMMARY CASE**

Defendant is applying for ARD for a summary case and represents the following:

(Please print the requested information.)

1. Defendant's present address and telephone number: \_\_\_\_\_

2. Defendant's date of birth: \_\_\_\_\_

3. Prior Arrest(s): (Circle one) \_\_\_\_\_ YES \_\_\_/\_\_\_ NO \_\_\_\_\_

4. Date citation filed: \_\_\_\_\_

5. Law Enforcement Officer: \_\_\_\_\_

6. Offense: \_\_\_\_\_

## COPY OF CITATION MUST BE FILED WITH APPLICATION

I am requesting that my summary case be considered for ARD. I understand that if the District Attorney denies my application for ARD, my summary case will then proceed in accordance with Chapter 4 of the Pennsylvania Rules of Criminal Procedure.

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Date

This application for ARD has been \_\_\_\_\_ approved \_\_\_\_\_ denied.

Reason: \_\_\_\_\_

\_\_\_\_\_  
Signature of District Attorney

\_\_\_\_\_  
Date

[Pa.B. Doc. No. 15-1407. Filed for public inspection July 31, 2015, 9:00 a.m.]

### CLINTON COUNTY

#### Courthouse and Garden Building Security; No. AD-1-2015

##### Administrative Order of Court

*And Now*, this 26th day of May, 2015, intending to preserve order, ensure the fair administration of justice and provide for the safety of all persons conducting business in the Clinton County Courthouse and the Garden Building, *It Is Hereby Ordered and Decreed* that the provisions of 18 Pa.C.S.A. § 913 shall be enforced by the Clinton County Sheriff. Possession of firearms and other dangerous weapons are strictly prohibited except as allowed by the Clinton County Firearms or other Weapons in Court Buildings Policy.

All packages, briefcases and other containers in the immediate possession of persons entering the Courthouse or Garden Building shall be subject to inspection. A search shall be conducted by requiring persons and property to be passed through a walk-through metal detector or x-ray machine and the use of a hand-held metal detector being moved by hand in close proximity to all areas of the body of the person being searched and in close proximity to all areas of a package being searched. In the event that the detector emits an alert signal, the search of a person shall be expanded to include a pat-down of the immediate area of the body of the person being searched which had activated the signal. A pat-down search shall be conducted by an officer or deputy

and witnessed by another officer or deputy. A written report shall be completed by the officer or deputy conducting the search. Said report shall be maintained by the Sheriff. Any package which indicates that suspicious materials, substances or contraband may be contained therein, shall be opened by an officer or deputy for a more thorough examination.

When the term weapon is used in this Order, it shall be defined as including any firearm, any knife, any explosive or incendiary device (whether real or hoax) or any object that is designed, made or adapted for the purpose of inflicting bodily injury and any weapon defined as such by the Pennsylvania Crimes Code.

One or more signs shall be posted at each public entrance in a location and of a size and design reasonably calculated to draw the attention of persons entering the building and giving notice that: (a) no weapons or explosives may be brought into the building; (b) all persons entering the building are subject to search for weapons or explosives; and (c) all packages, briefcases and other containers are subject to search prior to entering the building.

*By the Court*

CRAIG P. MILLER,  
*President Judge*

[Pa.B. Doc. No. 15-1408. Filed for public inspection July 31, 2015, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 22—EDUCATION

### PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY

#### [ 22 PA. CODE CH. 121 ]

#### Student Financial Aid

The Pennsylvania Higher Education Assistance Agency (PHEAA), State Grant and Special Programs, amends Chapter 121 (relating to student financial aid) to read as set forth in Annex A.

#### A. Statutory Authority

This final-form rulemaking is authorized by section 6(e) of the act of January 25, 1966 (P. L. 1546, No. 541) (24 P. S. § 5156).

#### B. Background and Description of Final-Form Rulemaking

The purpose of this final-form rulemaking is to update Chapter 121 to conform to current practice. PHEAA is amending provisions that are obsolete, inconsistent or superseded by current higher education practice. References to obsolete subdivisions are deleted or replaced with current references. References to specific forms, some of which are outdated, are deleted wherever possible.

#### Description of Amendments

##### § 121.1. Definitions

In this final-form rulemaking, the definition of “academic year” is amended to add an ending date to coincide with the end of final examinations. The definition of “college entrance examination” is amended to recognize alternative examinations used by higher education institutions. The definition of “SAT” is deleted because it is no longer the only recognized entrance examination. The definition of “veteran” is amended to comply with current Federal standards.

##### § 121.3. Discrimination prohibited

A technical edit was made to this section and the reference to the Federal Family Education Loan Program was deleted because it is no longer relevant to the Higher Education Grant Program.

##### § 121.4. Denial of eligibility to loan defaulters

This final-form rulemaking makes clarifying amendments to be inclusive of Federal, State and private loans.

##### § 121.5. Enrollment

This final-form rulemaking deletes outdated language.

##### § 121.7. Notice of denial and preliminary review procedures

This final-form rulemaking deletes outdated language and references to outdated forms. The process is also simplified.

##### § 121.8. Applicant and recipient appeals and hearings

This final-form rulemaking deletes outdated language and references to outdated forms. The process is also simplified.

##### § 121.21. Requirements for higher education grant applicants

This final-form rulemaking clarifies the reference to the Pennsylvania Department of Education.

##### § 121.22. Early admission students

This final-form rulemaking replaces “senior high” school with the more current term “secondary” school.

##### § 121.32. Approved institution in higher education grant program

This final-form rulemaking updates language to reference current accrediting bodies, clarifies the reference to the Pennsylvania Department of Education and recognizes the appropriate responsible persons in institutions of higher education.

##### § 121.33. Approved program of study in higher education grant program

This final-form rulemaking clarifies the reference to the Pennsylvania Department of Education and the Pennsylvania State Board of Private Licensed Schools.

##### § 121.41. Grouping of applicants

This final-form rulemaking updates the reference to a college entrance examination in accordance with amendments to § 121.1 (relating to definitions).

##### § 121.44. Required family financial data

This final-form rulemaking updates references to United States Department of Education criteria.

##### § 121.47. State Higher Education Grant Program Manual

This final-form rulemaking increases transparency and updates the reference to recognized accrediting bodies.

##### § 121.48. Limitation on payment of grants

This final-form rulemaking makes clarifying amendments regarding deadlines for payments of grants.

##### § 121.52. Transferring an award

This final-form rulemaking deletes outdated language.

##### § 121.55. Recipients on probation

This final-form rulemaking adds a cross-reference to § 121.58 (relating to academic progress).

##### § 121.58. Academic progress

This final-form rulemaking increases transparency regarding how progress is determined.

#### Comments and Responses

The Independent Regulatory Review Commission (IRRC) submitted the following comments that were considered by PHEAA in preparing this final-form rulemaking.

#### Comment

IRRC commented that former § 121.21(b) (relating to requirement for higher education grant applicants) concluded with “... standards of instruction of the public high schools located in this Commonwealth.” IRRC noted that to be consistent with other amendments, the text should state “public secondary schools” rather than “public high schools.”

#### Response

The comment is accepted and the change in terminology is made in this final-form rulemaking.

#### Comment

IRRC commented that proposed § 121.44(b)(2) (relating to required family financial data) is vague because this paragraph does not provide a definitive standard for the



exception. The proposed phrase “other criteria” should be clearer so that the applicant can understand what criteria he must meet to qualify for the exception. Second, the phrase “. . . which generally are the United States Department of Education criteria . . .” implies that PHEAA may use other criteria. IRRC recommended amending subsection (b)(2) to provide a clear standard for an applicant to qualify for an exception.

#### *Response*

PHEAA uses the Free Application for Federal Student Aid developed by the United State Department of Education as the application for the higher education grant program. The language and requirements surrounding independent status may change from year to year and thus PHEAA must be able to be responsive to these variations in the definition. In addition, the variety and complexity of situations that lead to requests for an exception are so diverse that it would be difficult to encapsulate them in a few sentences.

#### *Comment*

IRRC stated that § 121.47(a)(5) (relating to State Higher Education Grant Program Manual) begins with the phrase “When applicable, a list of programs of study . . .” IRRC suggested that the text should be revised to “. . . a list of approved programs . . .” to be consistent with the language in this section.

#### *Response*

The comment is accepted and the change in terminology has been made in this final-form rulemaking.

#### *Comment*

Richard Dumaesq, Executive Director, Pennsylvania Association of Private School Administrators, submitted a comment through IRRC. The commentator suggested deleting “or the Council for Higher Education Accreditation” from § 121.32(b)(1) and (3) (relating to approved institution in higher education grant program) because the language is outdated.

#### *Response*

PHEAA replied that the reference to the Council for Higher Education Accreditation (CHEA) is not outdated. Currently, CHEA, a National advocate and institutional voice for self-regulation of academic quality through accreditation, is an association of 3,000 degree-granting colleges and universities, and recognizes 60 institutional and programmatic accrediting organizations. It remains a valid reference.

#### *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will not have adverse impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

#### *Effective Date*

This final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

#### *Sunset Date*

The PHEAA Board of Directors continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

#### *Contact Person*

Questions regarding this final-form rulemaking may be addressed in writing to Christine Zuzack, State Grant

and Special Programs, Pennsylvania Higher Education Assistance Agency, 1200 North Seventh Street, Harrisburg, PA 17102-1444, czuzack@pheaa.org. Reference Pennsylvania Higher Education Grant Program regulations when submitting comments.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 22, 2013, PHEAA submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 6368 (October 26, 2013), to IRRC and the Chairpersons of the House and Senate Education Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 18, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 19, 2014, and approved the final-form rulemaking.

#### *Findings*

PHEAA finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments to the final-form rulemaking do not enlarge the purpose of proposed rulemaking published at 43 Pa.B. 6368.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified this preamble.

#### *Order*

PHEAA, acting under the authorizing statutes, orders that:

(a) The regulations of PHEAA, 22 Pa. Code Chapter 121, are amended by amending §§ 121.1, 121.3, 121.4, 121.5, 121.7, 121.8, 121.21, 121.22, 121.32, 121.33, 121.41, 121.44, 121.47, 121.48, 121.52, 121.55 and 121.58 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) PHEAA shall submit this order and Annex A to the Office of Attorney General as required by law.

(c) PHEAA shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

JAMES L. PRESTON,  
President and Chief Executive Officer

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 4263 (July 5, 2014).)

**Fiscal Note:** Fiscal Note 58-24 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 22. EDUCATION**

**PART VIII. HIGHER EDUCATION ASSISTANCE AGENCY**

**CHAPTER 121. STUDENT FINANCIAL AID**

**Subchapter A. GENERAL PROVISIONS**

**MISCELLANEOUS**

**§ 121.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Academic term*—Semester, trimester or quarter.

*Academic year*—A period that begins on the first day of classes and ends on the last scheduled day of final examinations and that is a minimum of 30 weeks of instructional time during which, for an undergraduate educational program, a full-time student is expected to complete at least 24 semester or trimester hours or 36 quarter hours at a school which measures program length in credit hours or at least 900 clock hours at a school which measures program length in clock hours.

*Agency or PHEAA*—The Pennsylvania Higher Education Assistance Agency.

*Board*—The Board of Directors of the Agency.

*Borrower*—All endorsers on loans authorized by this chapter.

*College entrance examination*—A Nationally-recognized standardized test used to assess college readiness chosen at the Agency's sole discretion to rank students who demonstrate the greatest potential to perform at the highest level of academic achievement.

*Disposable pay*—That part of the borrower's compensation from an employer remaining after the deduction of any amounts required by law to be withheld.

\* \* \* \* \*

*Quarter*—A period of approximately 11 weeks normally comprising 1/3 of the academic year.

*Semester*—A period of approximately 17 weeks normally comprising 1/2 of the academic year.

*Trimester*—A period of approximately 15 weeks normally comprising 1/2 of the academic year.

*Veteran*—A person who engaged in active service in the United States Army, Navy, Air Force, Marines or Coast Guard or was a cadet or midshipman at one of the service academies and was released under a condition other than dishonorable, or will be by June 30 of the academic year for which the application is made, or who was a National Guard or Reserve service member who was activated for Federal duty by Presidential order. ROTC students, cadets or midshipmen currently attending the service academies, National Guard or Reserve enlistees who were not activated for Federal duty by Presidential order or those currently serving in the United States Armed Forces and will continue to serve through June 30 of the academic year for which application is made are not considered veterans.

**§ 121.3. Discrimination prohibited.**

The race, religious creed, color, sex, national origin, ancestry, handicap, age or marital status of a student or

parent applicant will not be factors of consideration for eligibility except to the extent that adjustments or allowances based on marital status may be necessary within the State Higher Education Grant Program to properly reflect the ability of the family to finance costs of education.

**§ 121.4. Denial of eligibility to loan defaulters.**

(a) A higher education applicant who has defaulted on an educational loan guaranteed or reinsured by the Federal government, the government of any state or institution is ineligible for an award or a disbursement of funds unless the applicant has repaid the loan in whole or in part and, in the judgment of the Agency, did not make the repayment merely to gain grant eligibility or unless the applicant otherwise shows good cause why grant eligibility should be reinstated. This includes programs administered by the United States Department of Education or PHEAA when awards have been converted to loans due to failure to meet eligibility or service requirements and the loan is in default status.

(b) Applicants denied eligibility under this section shall be entitled to review of the denial in accordance with the procedure for review and appeals as provided in §§ 121.7 and 121.8 (relating to notice of denial and preliminary review procedures; and applicant and recipient appeals and hearings).

**§ 121.5. Enrollment.**

To be eligible for a State higher education grant, a student shall be or be about to be enrolled in an approved institution of higher learning on at least a half-time basis. In addition, the President and Chief Executive Officer may treat students as full-time if unusual circumstances would not permit the student to comply with the exact full-time basis requirements as defined in § 121.1 (relating to definitions). In these instances, the President and Chief Executive Officer will thereafter notify the Board of this action.

**§ 121.7. Notice of denial and preliminary review procedures.**

(a) If the Agency staff determines that eligibility for financial assistance should be denied, the applicant or recipient shall be notified in writing of the determination, the grounds therefor, and his right to appeal from the decision of the Agency staff.

(b) All appeals from the decisions of the Agency staff will be reviewed initially by an Administrative Review Committee composed of staff personnel of the Agency designated by the President and Chief Executive Officer. The Administrative Review Committee may grant eligibility in cases it deems proper. This subsection supersedes 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

(c) When the Agency through its Administrative Review Committee denies an applicant or recipient eligibility for financial assistance, the applicant or recipient may obtain a review of the Agency's determination by the Committee on Appeals. The Committee on Appeals will determine whether or not the applicant or recipient is eligible for financial assistance.

(d) An appeal to the Committee on Appeals shall be filed on or before the 60th day after the date on which notification of the determination by which he is aggrieved was delivered personally to the applicant or recipient or mailed to him at his last known post office address. The Committee on Appeals may waive this requirement in its discretion.



(e) The appeal shall be filed in writing at the Agency offices in Harrisburg, and must include the following information:

- (1) The name, address and PHEAA account number of the applicant or recipient.
- (2) The date of the decision being appealed.
- (3) The reasons for appeal.
- (4) The signature of the applicant or recipient.

**§ 121.8. Applicant and recipient appeals and hearings.**

(a) An applicant or recipient who is aggrieved by a determination of the Committee on Appeals denying him eligibility for financial assistance may file an appeal to the Board of Directors.

(b) An appeal to the Board shall be filed on or before the 15th day after the date on which notification of the determination by which he is aggrieved was delivered personally to the applicant or recipient or mailed to him at his last known post office address.

(c) Any written notice that may reasonably be construed as a request for an appeal, delivered or mailed to PHEAA's Office of General Counsel within the prescribed 15-day appeal period, advising that the applicant or recipient is aggrieved and requests a review of the determination denying him financial assistance, will be deemed to initiate and constitute an appeal. The date of initiation of an appeal delivered by mail will be determined from the postmark appearing upon the envelope in which the written communication was mailed.

(d) The appeal may be heard by the Board or, at its direction, by a hearing examiner appointed by the Chairperson of the Board of the Agency or, in the event of the unavailability of the Chairperson, by the Vice Chairperson of the Board of the Agency from a list maintained by the President and Chief Executive Officer. The hearing examiner or the Board will schedule the appeal promptly for hearing and give the applicant or recipient at least 7 days' notice of the hearing. The notice will specify the date, hour and place of hearing.

(e) Hearings will be held at the offices of the Agency in Harrisburg. During the hearing, the applicant or recipient will be given the opportunity to submit testimony or evidence, or both, in support of his contentions. The applicant or recipient will also have the right to present oral and written argument and to cross-examine any witnesses offered by the Agency. This subsection supplements 1 Pa. Code § 35.126 (relating to presentation by the parties).

(f) Where a hearing examiner has been appointed, he shall prepare or cause the preparation of a verbatim transcript of the hearing, develop findings of fact and conclusions of law, and forward these directly to the Board for review and final decision. This subsection supplements 1 Pa. Code §§ 35.131 and 35.202 (relating to recording of proceedings; and proceedings in which proposed reports are prepared).

(g) The Board will make an order or determination as appears just and proper from the evidence submitted.

(h) Notice of the decision of the Board will be mailed promptly to the applicant or recipient at his last known post office address.

(i) Where the decision of the Board is in favor of the applicant or recipient, he shall be eligible for retroactive

financial assistance payments for the period during which such assistance was temporarily delayed.

(j) The decision of the Board on an appeal will become final 10 days after the date thereof. Within 30 days after the decision of the Board becomes final, the applicant or recipient may file an appeal therefrom with Commonwealth Court.

**SECONDARY SCHOOL GRADUATION**

**§ 121.21. Requirement for higher education grant applicants.**

(a) A State higher education grant applicant shall be a graduate of or attending an approved secondary school, or be a recipient of a Commonwealth secondary school diploma or other State-issued general equivalency diplomas.

(b) An approved secondary school shall be any public or private secondary school, located in this Commonwealth or elsewhere, including foreign institutions and United States schools overseas, which in the judgment of the Pennsylvania Department of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially equivalent to the standards of instruction of the public secondary schools in this Commonwealth.

(c) For purposes of the State Higher Education Grant Program, an approved secondary school shall also include any home education program that is accredited by any home schooling accreditation agency approved by the Pennsylvania Department of Education. If the home education program lacks the requisite accreditation, certification by the appropriate local school official attesting that the home education program is in compliance with section 1327.1 of the Public School Code of 1949 (24 P. S. § 13-1327.1) shall be submitted to the Agency by the appropriate local school official.

**§ 121.22. Early admission students.**

Student applicants who leave a State approved secondary school prior to their senior year and are admitted for the academic year or a portion thereof, immediately following their secondary school studies, to an approved institution of higher learning as early admission students shall be considered as first-year collegiate applicants and in compliance with the secondary school graduation requirement for purposes of State higher education grant eligibility if the school district of the school that the applicant had attended certified that:

(1) The applicant left senior high school in accordance with policies and procedures previously established by the superintendent and the board of school directors to attend an approved institution of higher learning.

(2) The high school diploma will be awarded upon the applicant's successful completion of the requirements set forth by the local board of school directors.

**EDUCATIONAL INSTITUTIONS**

**§ 121.32. Approved institution in higher education grant program.**

(a) To be eligible for a State higher education grant, an applicant shall enroll in a program approved under § 121.33 (relating to approved program of study in higher education grant program) and shall attend an institution of higher education approved by the Agency for enrollment of grant recipients under the State Higher Education Grant Program

(b) To be approved, an institution shall be other than a school of theology or a theological seminary as determined by the Agency, be located in the United States or any of its territories and comply with the following:

(1) If the institution is a college or university located within this Commonwealth, the institution shall be approved by the Pennsylvania Department of Education and shall be accredited or a recognized candidate for accreditation with an accrediting body recognized by the United States Department of Education or the Council for Higher Education Accreditation and its successors; if the college or university is located outside this Commonwealth, the institution shall be degree-granting, shall be operated not-for-profit, shall be legally authorized to do business by the appropriate state licensing or approval authority in the state in which it is doing business and shall be fully accredited by an accrediting body recognized by the United States Department of Education or the regional institutional accrediting body recognized by the Council for Higher Education Accreditation and its successors responsible for accreditation in the state where the college or university is conducting its educational program.

(2) If the institution is a hospital school of nursing located within this Commonwealth, the institution shall be initially, provisionally or fully approved by the Pennsylvania State Board of Nursing and shall be accredited by the National League for Nursing Accrediting Commission, the Commission on Collegiate Nursing Education or other accrediting body recognized by the United States Department of Education for the accreditation of nursing schools; if located outside this Commonwealth, the institution shall be legally authorized to do business by the appropriate state licensing or approval authority in the state in which it is doing business and shall be accredited by the National League for Nursing Accrediting Commission, the Commission on Collegiate Nursing Education or any other accrediting body recognized by the United States Department of Education for the accreditation of nursing schools.

(3) If the institution is a trade, technical or business school located within this Commonwealth, the institution shall be approved by the Pennsylvania Department of Education or shall currently be, and shall have been throughout the preceding 24 months, licensed by the Pennsylvania State Board of Private Licensed Schools and shall be accredited by an accrediting body recognized by the United States Department of Education or the Council for Higher Education Accreditation and its successors, except that this requirement for licensure and accreditation may be waived by the President and Chief Executive Officer for branch campuses of an institution that have been operating satisfactorily in this Commonwealth for 2 years or more; if the institution is located outside this Commonwealth, it shall be degree-granting, shall be operated not-for-profit and shall be fully accredited by the United States Department of Education or the regional institutional accrediting body recognized by the Council for Higher Education Accreditation and its successors responsible for accreditation in the state where the institution is conducting its educational program.

(4) The institution shall have executed an Assurance of Compliance with section 602 of the Civil Rights Act of 1964 (42 U.S.C.A. § 2000d-1 (1974)) and filed it with the United States Secretary of Education.

(5) The institution shall have executed and filed with the Agency an agreement on a form provided by the Agency to report or advise the Agency if the institution

has knowledge of the name and address of Commonwealth resident students who are recipients of Agency-administered aid who have been convicted in a court of record of a criminal offense which under the laws of the United States or of the Commonwealth would constitute a felony committed after October 29, 1969. Institutional knowledge shall be facts contained in the academic, disciplinary or financial student records of the institution or facts known to persons occupying positions of authority such as the dean of students, director of financial aid or president of the institution.

(6) When a change in ownership of an approved institution occurs, the new owner shall notify the Agency in writing of the change in ownership within 30 days of the effective date of the change. The new owner shall execute and file with the Agency an agreement on a form provided by the Agency to assume responsibility for repayment of State grant funds to the Agency or payment of State grant funds to eligible students, as designated by the Agency, made necessary by the failure of the previous owner to follow Agency procedures and requirements. An institution that fails to execute this agreement will be required to wait 24 months before being considered for approval in the State Grant Program.

(7) The institution shall comply with other administrative requirements as the Agency may legally promulgate, as shall be set forth in the State Grant Certification Procedures and the State Grant Program Policy Manual which will be made available to institutions on an annual basis.

(c) Approved institutions for an academic year shall be those on record as of the preceding August 1 for the ensuing academic year.

(d) Approval of an institution after August 1 will become effective the following August 1 with two exceptions:

(1) To be effective for the ensuing summer term, approval shall be obtained prior to May 1.

(2) In the light of the particular circumstances related to the institution's approval and the funding and application processing conditions of the Agency, the President and Chief Executive Officer may make the approval effective on a date prior to August 1.

(e) The President and Chief Executive Officer may suspend the processing of aid request forms of State grant applicants or cease further disbursement of State grant funds to an approved institution, or both, when, in the judgment of the President and Chief Executive Officer, the institution's compliance with the conditions required for approval or the institution's continued eligibility or operation is in question and the action is deemed necessary to protect the interests of the student aid applicants, the Commonwealth or the Agency. This subsection may also be invoked upon a change in ownership, administration or directorship of the institution.

(f) An institution's approved status may be terminated by the President and Chief Executive Officer when any of the conditions required for approval cease to be met.

(g) In suspending or withdrawing the approval of an institution, the President and Chief Executive Officer may authorize continuation of eligibility determination and grant disbursement for State grant renewal applicants.

#### **§ 121.33. Approved program of study in higher education grant program.**

To be eligible for a State higher education grant, an applicant shall enroll in a program of study approved by

the Agency and offered by an institution approved by the Agency under § 121.32 (relating to approved institution in higher education grant program) for participation in the State Higher Education Grant Program. An approved program of study shall comply with the following:

(1) An approved program of study shall be a program of instruction of at least 2 academic years which shall be the equivalent of at least 60 semester credit hours or at least 1,800 clock hours of instruction (1,500 clock hours in the case of programs leading to the associate degree in specialized technology or the associate degree in specialized business offered by institutions of higher education located within this Commonwealth) except that, other than for those community college programs which are measured in credit hours, programs not leading to a degree shall be measured in clock hours, with at least 30 semester credit hours or 900 clock hours earned through instruction within the classroom, and shall be presented over a calendar of at least 15 months.

(2) An approved program of study shall require that at least 50% of the credits needed for completion of the program at the approved institution be earned through instruction within the classroom.

(3) If offered at a trade, technical or business school located within this Commonwealth, an approved program of study shall be approved by the Pennsylvania Department of Education or by the Pennsylvania State Board of Private Licensed Schools.

(4) An approved program of study shall be on the approved list as of August 1 for the ensuing academic year. Approval after August 1 will become effective the following August 1 with two exceptions:

(i) To be effective for the ensuing summer term, approval must be obtained prior to May 1.

(ii) In the light of the particular circumstances related to the approval of the program of study and the funding and application processing conditions of the Agency, the President and Chief Executive Officer may make the approval effective on a date prior to August 1.

#### **Subchapter B. HIGHER EDUCATION GRANT PROGRAM**

##### **§ 121.41. Grouping of applicants.**

Higher education grant applicants shall be grouped into the following categories:

(1) *Group I.* A roster of the top 5,000 prospective freshmen applicants—without breaking ties—listed in descending order by composite score on college entrance examinations.

(2) *Group IIA.* A roster of remaining prefreshmen applicants planning to enroll in degree institutions other than those enrolled in nontransferable Community College Programs.

(3) *Group IIB.* A roster of all prospective freshmen applicants planning to enroll in a nondegree-granting institution or an approved nondegree course of study in a degree-granting institution.

(4) *Group III.* A roster of all high school graduates who have a lapse of 1 year between their high school graduation date and the date of their planned enrollment in a degree-granting institution, all students enrolled or accepted for enrollment as other than first year students in a degree-granting institution, and all early admission students.

(5) *Renewals.* A roster of all students previously awarded State higher education grants who maintain eligibility.

##### **§ 121.44. Required family financial data.**

(a) *General.* The applicant, the applicant's parents and stepparents, and the applicant's spouse shall submit financial data that the Agency requests and, further, shall be required to authorize the Director of the State Personal Income Tax Bureau and the District Director of the Internal Revenue Service to release to the Agency, upon request of the Agency, a copy or extract of the State or Federal Income Tax Return filed by the applicant, the applicant's parents and stepparents, and the applicant's spouse for the tax years the Agency designates. The Agency may in addition require the applicant, the applicant's parents and stepparents, and the applicant's spouse to submit a copy of the tax returns directly to the Agency.

(b) *Exceptions.* The Agency may determine the eligibility of the applicant without regard to the parents' financial data, waiving its submission, in the following cases:

(1) If the applicant is a veteran as defined in § 121.1 (relating to definitions).

(2) If the applicant is in compliance with other criteria established by the Agency for the processing of applicants without regard to parental financial data which generally are the United States Department of Education criteria for financial independence for Title IV Federal student aid programs.

(3) Other exceptions may be granted by the Administrative Review Committee or the Committee on Appeals in turn on an individual case basis.

(c) *Severe casualty losses.* If, as a result of fire, storm or other casualty, the family of a higher education grant applicant has suffered severe losses not fully covered by insurance, the post-loss value of assets normally taxed in the eligibility determination may be used in processing the application to reflect the family's reduced ability to finance educational costs. If the family's loss is covered by insurance (whether fully or partially), the Agency, in processing the application, may elect to use either the preloss value of the assets or the insurance benefits received because of the loss. If the loss is not fully covered by insurance, the Agency may also elect to subtract from family income the amount of the casualty losses not covered by insurance, to waive the normal application filing deadline and to afford other special treatment of the application that may be merited.

##### **§ 121.47. State Higher Education Grant Program Manual.**

(a) The Agency will publish annually a State Higher Education Grant Program Manual containing:

(1) Current financial need analysis procedures established by the Agency.

(2) A list of approved colleges, universities and hospital schools of nursing in this Commonwealth.

(3) A list of approved programs of study offered by approved trade, technical and business schools in this Commonwealth.

(4) A list of approved institutions of higher learning outside of this Commonwealth.

(5) When applicable, a list of approved programs of study offered by institutions of higher learning outside of this Commonwealth.

(6) A list of accrediting agencies (bodies) recognized by the Agency for the State Higher Education Grant Program.

(b) The State Higher Education Grant Program Manual will be available on the Agency's web site.

**§ 121.48. Limitation on payment of grants.**

The Agency will not make payment of, or further payment on, an existing State higher education grant on the basis of an inquiry or request received after August 1 of the calendar year immediately following the academic year for which the payment is sought unless the President and Chief Executive Officer specifically directs that payment be made to prevent grave hardship.

**§ 121.52. Transferring an award.**

A recipient may not transfer his award to a nonapproved institution or course of study.

**§ 121.55. Recipients on probation.**

A recipient on academic or disciplinary probation shall remain eligible for a higher education grant if the institution of higher learning permits him to continue his studies on at least a half-time basis and he is making satisfactory academic progress as required under § 121.58 (relating to academic progress).

**§ 121.58. Academic progress.**

(a) A higher education grant recipient must make normal academic progress, as defined in the State Higher Education Grant Program Manual, from year to year to retain higher education grant eligibility.

(b) The Agency will make the final decision in all matters pertaining to academic progress.

[Pa.B. Doc. No. 15-1409. Filed for public inspection July 31, 2015, 9:00 a.m.]



# PROPOSED RULEMAKING

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 461a, 463a, 465a, 601a, 605a AND 607a ]

### Hybrid Gaming Tables and Electronic Wagering Terminals

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 13A02(1), (2), (2.1), (4) and (6), 13A25(c) and 13A62(a) (relating to regulatory authority; table game accounting controls and audit protocols; and table game taxes) proposes to amend Chapters 461a, 463a, 465a, 601a, 605a and 607a to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

This proposed rulemaking will add hybrid gaming tables, a new game technology, to the complement of table games available for play in this Commonwealth.

#### *Explanation*

Hybrid gaming tables, which combine the live dealer action with fully automated electronic wagering, are a new technology to this Commonwealth. This proposed rulemaking incorporates this new technology into the existing Board regulations on device testing, internal controls, table game taxes and the provisions associated with electronic gaming tables.

#### *Chapter 461a. Slot machine and table game device testing and control*

Like slot machines and fully automated electronic gaming tables, electronic wagering terminals (the devices patrons will utilize to wager at hybrid gaming tables) are required to have an asset number, to utilize bill validators for the acceptance of cash and gaming vouchers, and to be connected to the Department of Revenue's central control computer system (CCCS). Connection to the CCCS is required because, just like slot machines and fully automated electronic gaming tables, wagering on hybrid gaming tables is conducted electronically through the use of an electronic wagering terminal. Electronic wagering terminals are equipped with a bill validator, meters to determine amount of play and a drop box for the collection of cash and gaming vouchers.

The CCCS will act as the system of record for accounting purposes and the CCCS will calculate revenue for table game tax purposes, just as it does for slot machines and fully automated electronic gaming tables.

#### *Chapter 463a. Possession of slot machines, electronic wagering terminals and fully automated electronic gaming tables*

This chapter requires that an electronic wagering terminal be treated just like a slot machine or fully automated electronic gaming table as it relates to movement of the machines into, around and out of a licensed facility, and requires that operators account for each machine's location in the licensed facility or storage area on a master table game list submitted monthly. These requirements are consistent with the current requirements applicable to slot machines and fully automated electronic gaming tables.

#### *Chapter 465a. Accounting and internal controls*

This chapter requires that an operator that intends to install hybrid gaming tables and electronic wagering terminals update its internal controls to reflect the additional machines and tables. Surveillance requirements for electronic wagering terminals and hybrid gaming tables are in § 465a.9 (relating to surveillance system; surveillance department control; surveillance department restrictions) and supervision requirements are in § 465a.11 (relating to slot machine licensee's organization; jobs compendium).

Sections 465a.18 and 465a.25 (relating to transportation of slot cash storage boxes and table game drop boxes to and from the gaming floor; storage; and counting and recording of slot cash storage boxes and table game drop boxes) address the procedure for the collection and counting of drop boxes connected to electronic wagering terminals. Because revenue is based on a metered win and electronic wagering terminals are required to be connected to the CCCS, the Board allowed for the collection of drop boxes connected to electronic wagering terminals to be conducted at the same time as drop boxes connected to slot machines and fully automated electronic gaming tables. Additionally, unlike traditional table game drop boxes that are collected and counted daily, the Board will not require that boxes connected to electronic wagering terminals be collected or counted on a daily basis.

Text is proposed to be added to § 465a.19 (relating to acceptance of tips or gratuities from patrons) to allow for the acceptance of tips placed electronically through the use of electronic wagering terminals provided the operator specifies how the tips will be pooled and distributed in conformance with 4 Pa.C.S. § 13A02(6).

As previously specified, because wagering at a hybrid gaming table is conducted electronically at an electronic wagering terminal and is not conducted through the use of value chips like a traditional table game, §§ 465a.36—465a.42, which are associated with table inventories, opening and closing tables and the distribution and removal of chips, are not applicable. Therefore, electronic wagering terminals were excluded from §§ 465a.36—465a.42.

#### *Chapter 601a. General table game provisions*

Section 601a.9 (relating to table game taxes and gross table game revenue) addresses the calculation of table game taxes and gross table game revenue. As specified in subsection (e), net revenue from electronic wagering terminals is determined through the CCCS and will be taxed at the traditional table game rate not at the fully automated table game rate. This provision is consistent with 4 Pa.C.S. § 13A62, which specifies that fully automated electronic gaming tables, which are operated without the assistance of a dealer, are taxed at a higher rate than those tables that operate with the assistance of a dealer, including hybrid gaming tables connected to electronic wagering terminals.

#### *Chapter 605a. Electronic gaming tables*

This chapter provides the definitions and requirements specific to hybrid gaming tables and electronic wagering terminals. As defined in § 605a.1 (relating to definitions), the hybrid gaming table is where the dealing of the table game takes place while electronic wagering terminals are the devices patrons utilize to buy in, cash out and place their wagers.

Because game play on an electronic wagering terminal is captured utilizing meters, just like fully automated electronic gaming tables, the provisions addressing the meter requirements in § 605a.5 (relating to fully automated electronic gaming tables and electronic wagering terminals) are proposed to be amended to include electronic wagering terminals.

Proposed § 605a.9 (relating to hybrid gaming tables) addresses requirements specific to hybrid gaming tables. Included in this section is the provision that addresses how hybrid gaming tables and electronic wagering terminals will be counted for purposes of the number of gaming tables each facility is authorized to operate.

Regardless of the number of hybrid gaming tables each facility operates, every five electronic wagering terminals will count as one gaming table. The number of electronic wagering terminals is focused on instead of the number of hybrid gaming tables because operators can connect a significant number of electronic wagering terminals to each hybrid gaming table, in essence having one table connected to a high number of player positions, far more player positions than a traditional table game could accommodate.

The Board believes that if it were to ignore the number of electronic wagering terminals and count only the number of hybrid gaming tables a facility operates, the regulation would run afoul of the legislatively mandated cap on the number of authorized table of 250 tables for Category 1 and 2 licensees and 50 tables for Category 3 licensees. See 4 Pa.C.S. § 13A11(b) (relating to authorization to conduct table games).

#### *Fiscal Impact*

*Commonwealth.* The Board does not expect that this proposed rulemaking will have a fiscal impact on the Board or other Commonwealth agencies as testing and approval of the new hybrid gaming tables will be conducted by existing Board staff.

As it relates to internal controls, updates to internal control procedures will be reviewed by existing Board staff.

*Political subdivisions.* This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

*Private sector.* This proposed rulemaking will provide certificate holders with additional table game options. If a certificate holder decides to offer hybrid gaming tables within the licensed facility, the certificate holder will be required to acquire equipment and train their dealers and support staff. While these hybrid gaming systems require a substantial capital expenditure, the requirements in this proposed rulemaking should not increase costs operators would already have to incur to acquire the new technology. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

*General public.* This proposed rulemaking will not have fiscal impact on the general public.

#### *Paperwork Requirements*

If a certificate holder elects to offer table gaming on hybrid gaming tables, the certificate holder will be required to submit updated internal controls reflecting the changes. These forms are submitted to Board staff electronically.

#### *Effective Date*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Attention: Regulation #125-189 Public Comment, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060.

#### *Contact Person*

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 346-8300.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 15, 2015, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at [www.gamingcontrolboard.pa.gov](http://www.gamingcontrolboard.pa.gov).

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

WILLIAM H. RYAN, Jr.,  
Chairperson

**Fiscal Note:** 125-189. No fiscal impact; (8) recommends adoption.

#### **Annex A**

### **TITLE 58. RECREATION**

### **PART VII. GAMING CONTROL BOARD**

### **Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT**

### **CHAPTER 461a. SLOT MACHINE AND TABLE GAME DEVICE TESTING AND CONTROL**

#### **§ 461a.1. Definitions.**

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

*Asset number*—A unique number assigned to a slot machine, **fully automated electronic gaming table, electronic wagering terminal** or piece of associated equipment by a slot machine licensee for the purpose of tracking the slot machine, **fully automated electronic gaming table, electronic wagering terminal** or piece of associated equipment while owned by the slot machine licensee.

*Automated jackpot payout machine*—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the payment of a jackpot that is not totally and automatically paid directly from a slot machine, **fully automated electronic gaming table or electronic wagering terminal**.

*Bill validator*—An electronic device designed to interface with a slot machine, **fully automated electronic gaming table or electronic wagering terminal** for the purpose of accepting and validating any combination of United States currency, gaming vouchers, coupons or other instruments authorized by the Board for incrementing credits on a slot machine, **fully automated electronic gaming table or electronic wagering terminal**.

\* \* \* \* \*

*Casino management system*—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, report and audit data with regard to activity at slot machines, **fully automated electronic gaming tables or electronic wagering terminals**, inclusive of slot machine level accounting transactions, player tracking and productivity analysis.

\* \* \* \* \*

*Gaming voucher system*—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the issuance of gaming vouchers and the redemption of gaming vouchers by slot machines, **fully automated electronic gaming tables, electronic wagering terminals**, automated gaming voucher redemption machines, the cashiers' cage or in other locations.

*Hand pay*—The payment of credits that are not totally and automatically paid directly from a slot machine, **fully automated electronic gaming table or electronic wagering terminal**.

\* \* \* \* \*

*Modification*—A change or alteration in a slot machine, **fully automated electronic gaming table, electronic wagering terminal** or associated equipment that affects the manner or mode of play or operation of the slot machine or associated equipment.

\* \* \* \* \*

*Player tracking system*—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report and audit data with regard to player activity generally or on an individual basis at slot machines **or table games**.

\* \* \* \* \*

*RAM clear*—A process initiated by a service technician that results in the zeroing out of any meter information, configuration information or data stored in the [ **slot machine's memory** ] **memory of a slot machine, fully automated electronic gaming table, electronic wagering terminal or associated equipment**.

\* \* \* \* \*

*Wager*—Placing at risk in a slot machine, **fully automated electronic gaming table or electronic wagering terminal** a coin, bill, ticket, gaming voucher, coupon or similar object or, upon payment of any consideration, including the use of cashless funds transfer systems and external bonusing systems.

\* \* \* \* \*

#### § 461a.4. Submission for testing and approval.

\* \* \* \* \*

(c) For the purposes of this section, slot machines, table game devices and associated equipment that shall be submitted for testing and approval include:

\* \* \* \* \*

(12) Table game devices including:

(i) Electronic gaming tables as described in § 605a.4 (relating to electronic gaming tables).

(ii) Fully automated electronic gaming tables as described in § 605a.5 (relating to fully automated electronic gaming tables **and electronic wagering terminals**).

\* \* \* \* \*

(vi) Electronic wagering systems as described in § 605a.2 (relating to electronic wagering systems).

(vii) **Electronic wagering terminals as described in § 605a.5.**

(viii) **Hybrid gaming tables as described in § 605a.9 (relating to hybrid gaming tables).**

(d) Slot machine prototypes, table game device prototypes and associated equipment prototypes, and modifications thereto, which are subject to testing and approval under this section will be evaluated by the Bureau of Gaming Laboratory Operations for overall operational integrity and compliance with the act, this subpart and technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site. In addition, with regard to any slot machine, fully automated electronic gaming table, **electronic wagering terminal** or modification thereto, the Bureau of Gaming Laboratory Operations will test for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines, **fully automated electronic gaming tables and electronic wagering terminals**.

\* \* \* \* \*

#### § 461a.8. Gaming vouchers.

\* \* \* \* \*

(d) Prior to issuing a gaming voucher, a slot machine licensee shall establish a system of internal controls for the issuance and redemption of gaming vouchers. The internal controls shall be submitted and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols) and address:

(1) Procedures for assigning [ **a slot machine's** ] **an asset number and identifying other redemption locations in the system, and enabling and disabling voucher capabilities for slot machines, fully automated electronic gaming tables, electronic wagering terminals and redemption locations.**

\* \* \* \* \*

(h) Upon presentation of a gaming voucher for redemption at a slot machine, **fully automated electronic gaming table or electronic wagering terminal**, the total value of which gaming voucher cannot be completely converted into an equivalent value of credits that match the denomination of the slot machine, [ **the slot machine** ] **fully automated electronic gaming table or electronic wagering terminal, the slot machine,**



**fully automated electronic gaming table or electronic wagering terminal** must perform one of the following procedures:

\* \* \* \* \*

(l) Gaming vouchers redeemed at cashiering locations shall be transferred to the finance department on a daily basis. Gaming vouchers redeemed by slot machines, **fully automated electronic gaming tables and electronic wagering terminals** shall be counted in the count room and forwarded to the finance department upon the conclusion of the count process. Gaming vouchers redeemed at automated gaming voucher redemption machines shall be forwarded to finance upon the conclusion of the cashiers' cage reconciliation process. Finance department representatives with no incompatible functions shall perform, at a minimum, the following:

\* \* \* \* \*

**§ 461a.10. Automated gaming voucher and coupon redemption machines.**

\* \* \* \* \*

(k) A gaming voucher or coupon accepted by an automated gaming voucher and coupon redemption machine shall be cancelled immediately upon exchange in a manner that effectively prevents its subsequent redemption by the cashiers' cage, another automated gaming voucher and coupon redemption machine or its acceptance in a slot machine, **fully automated electronic gaming table or electronic wagering terminal** bill validator. The methods utilized to comply with this requirement must be in accordance with this subpart and technical standards adopted by the Board and published in the *Pennsylvania Bulletin* and posted on the Board's web site.

\* \* \* \* \*

**§ 461a.14. Slot monitoring systems.**

(a) A slot machine licensee may utilize a slot monitoring system which has an interface between it and slot machines, **fully automated electronic gaming tables, electronic wagering terminals** and related systems that has been tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

\* \* \* \* \*

**§ 461a.15. Casino management systems.**

(a) A slot machine licensee may utilize a casino management system which has an interface between it and slot machines, **table games, table game devices** and related systems tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

\* \* \* \* \*

**§ 461a.16. Player tracking systems.**

(a) A slot machine licensee may utilize a player tracking system which has an interface between it and slot machines, **table games, table game devices** and related systems tested and approved by the Board under § 461a.4 (relating to submission for testing and approval).

\* \* \* \* \*

**§ 461a.26. Testing and software installation on the live gaming floor.**

\* \* \* \* \*

(b) A slot machine licensee shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance at least 72 hours prior to the installation of any new software or the installation of any change in previously approved software and receive the required approvals prior to the installation of:

\* \* \* \* \*

(18) Server based slot systems.

(19) **Hybrid gaming tables.**

(20) **Electronic wagering terminals.**

(c) The notification required under subsection (b) must include:

\* \* \* \* \*

**§ 461a.27. RAM clear.**

(a) When a slot machine licensee becomes aware of a nonresponsive slot machine, **fully automated electronic gaming table, hybrid gaming table or electronic wagering terminal** and communication between the slot machine, **fully automated electronic gaming table, hybrid gaming table or electronic wagering terminal** and the central control computer [ **can not** ] **cannot** be reestablished, the slot machine licensee shall immediately notify the Department's operator of the central control computer and the casino compliance representatives at the licensed facility. The slot machine licensee may not do a RAM clear on the affected slot machine, **fully automated electronic gaming table, electronic wagering terminal or associated equipment** until a casino compliance representative has recorded the information on the financial meters.

\* \* \* \* \*

**CHAPTER 463a. POSSESSION OF SLOT MACHINES, ELECTRONIC WAGERING TERMINALS AND FULLY AUTOMATED ELECTRONIC GAMING TABLES**

**§ 463a.1. Possession of slot machines, electronic wagering terminals and fully automated electronic gaming tables generally.**

(a) Except as otherwise provided in this section and 18 Pa.C.S. § 5513 (relating to gambling devices, gambling, etc.), a person may not possess any slot machine, **electronic wagering terminal** or fully automated electronic gaming table within this Commonwealth that may be used for gambling activity.

(b) The following persons and any employee or agent acting on their behalf may possess slot machines, **electronic wagering terminals** or fully automated electronic gaming tables in this Commonwealth for the purposes described herein provided that slot machines, **electronic wagering terminals** or fully automated electronic gaming tables located outside of a licensed facility may not be used for gambling activity:

\* \* \* \* \*

(c) Persons seeking to possess slot machines, **electronic wagering terminals** or fully automated electronic gaming tables under subsection (b)(4), (5) and (8) shall submit a petition to the Board as required under § 493a.4 (relating to petitions generally). The petition to the Board must contain:

(1) The purpose for having the slot machines, **electronic wagering terminals** or fully automated electronic gaming tables.

(2) The proposed location of the slot machines, **electronic wagering terminals** or fully automated electronic gaming tables.

(3) The time period for which the slot machines, **electronic wagering terminal** or fully automated electronic gaming tables will be kept.

(4) How the slot machines, **electronic wagering terminal** or fully automated electronic gaming tables will be secured.

(d) Requests approved by the Board may be subject to specific terms and conditions imposed by the Board.

(e) A person authorized to possess slot machines, **electronic wagering terminals** or fully automated electronic gaming tables under subsection (d) that desires to store the slot machines, **electronic wagering terminals** or fully automated electronic gaming tables at a location other than the location specified in subsection (c)(2) shall obtain approval from the Board's Executive Director prior to storing the slot machines, **electronic wagering terminal** or fully automated electronic gaming tables at the other location.

§ 463a.2. Transportation of slot machines, **electronic wagering terminals** and fully automated electronic gaming tables into, within and out of this Commonwealth.

(a) In furtherance of section 1511 of the act (relating to declaration of exemption from Federal laws prohibiting slot machines), prior to the transport or movement of a slot machine, **electronic wagering terminal** or fully automated electronic gaming table into, within or out of this Commonwealth, from one person authorized to possess slot machines, **electronic wagering terminals** or fully automated electronic gaming tables under § 463a.1 (relating to possession of slot machines, **electronic wagering terminals** and fully automated electronic gaming tables generally) to another person, the persons causing the slot machine, **electronic wagering terminal** or fully automated electronic gaming table to be transported or moved shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance in writing or in an electronic format approved by the Bureau of Gaming Laboratory Operations. The notice shall be submitted no later than the day the slot machine, **electronic wagering terminal** or fully automated electronic gaming table is transported and include the following information:

(1) The name and address of the person shipping or moving the slot machine, **electronic wagering terminal** or fully automated electronic gaming table.

(2) The name and address of the person who owns the slot machine, **electronic wagering terminal** or fully automated electronic gaming table, if different from the person shipping or moving the machine.

(3) The name and address of a new owner if ownership is being changed in conjunction with the shipment or movement.

(4) The method of shipment or movement and the name and address of the common carrier or carriers, if applicable.

(5) The name and address of the person to whom the slot machine, **electronic wagering terminal** or fully automated electronic gaming table is being sent and the destination of the slot machine, **electronic wagering terminal** or fully automated electronic gaming table, if different from that address.

(6) The quantity of slot machines, **electronic wagering terminals** or fully automated electronic gaming tables being shipped or moved and the manufacturer's serial number of each machine.

(7) The expected date and time of delivery to, or removal from, any authorized location within this Commonwealth.

(8) The port of entry, or exit, if any, of the slot machine, **electronic wagering terminal** or fully automated electronic gaming table if the origin or destination of the slot machine, **electronic wagering terminal** or fully automated electronic gaming table is outside the continental United States.

(9) The reason for transporting or moving the slot machine, **electronic wagering terminal** or fully automated electronic gaming table.

(b) In addition to the requirements in subsection (a), if a slot machine licensee is shipping slot machines, **electronic wagering terminals** or fully automated electronic gaming tables to or from the slot machine licensee's approved, off-premises storage location, the slot machine licensee shall comply with the requirements in subsection (a) and record the movement in the licensee's movement log as required under § 463a.5(e) (relating to slot machine, **electronic wagering terminal** and fully automated electronic gaming table master lists). If a slot machine, **electronic wagering terminal** or fully automated electronic gaming table is being transported to the licensed facility from the licensee's approved, off-premises storage location, the licensee shall specify in the notice required under subsection (a) whether the slot machine, **electronic wagering terminal** or fully automated electronic gaming table will be placed directly onto the gaming floor or stored off the gaming floor in a restricted area within the licensed facility.

§ 463a.3. Slot machine, **electronic wagering terminal** and fully automated electronic gaming table location on the gaming floor.

(a) A gaming floor must consist of one or more areas within a licensed facility approved by the Board or Executive Director under § 467a.1 (relating to gaming floor plan) for the placement and operation of slot machines, **electronic wagering terminals** or fully automated electronic gaming tables.

(b) A slot machine, **electronic wagering terminal** or fully automated electronic gaming table on a gaming floor shall be placed at a location, which location may contain no more than one slot machine, **electronic wagering terminal** or fully automated electronic gaming table, identified by number on a gaming floor plan approved by the Board or Executive Director under section 1322 of the act (relating to slot machine accounting controls and audits) and § 467a.1 and shall also be identified by this slot machine, **electronic wagering terminal** or fully automated electronic gaming table location number and an asset number on the Gaming Floor Slot Machine, **Electronic Wagering Terminal** and Fully Automated Electronic Gaming Table Master List.

§ 463a.4. Notice and connection to the central control computer system.

(a) Prior to utilization for gambling activity, a slot machine, **electronic wagering terminal** or fully automated electronic gaming table on a gaming floor shall be connected or linked to a central control computer system having the capabilities and in compliance with the terms of section 1323 of the act (relating to central control computer system).

(b) To ensure activation or disabling, as appropriate, in the central control computer system and the retrieval of real time meter information from the slot machine, **electronic wagering terminal** or fully automated electronic gaming table in conjunction with the movement of a slot machine, **electronic wagering terminal** or fully automated electronic gaming table, the slot machine licensee shall provide the Department with written notice of the slot machine, **electronic wagering terminal** or fully automated electronic gaming table movement, prior to any of the following:

(1) Placement of a slot machine, **electronic wagering terminal** or fully automated electronic gaming table on the gaming floor.

(2) Movement of a slot machine, **electronic wagering terminal** or fully automated electronic gaming table between slot machine, **electronic wagering terminal** or fully automated electronic gaming table locations on the gaming floor.

(3) Removal of a slot machine, **electronic wagering terminal** or fully automated electronic gaming table from the gaming floor.

§ 463a.5. Slot machine, **electronic wagering terminal** and fully automated electronic gaming table master lists.

(a) Prior to the commencement of operations at a licensed facility, a slot machine licensee shall file the following with the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Gaming Laboratory Operations:

(1) Gaming Floor Slot Machine, **Electronic Wagering Terminal** and Fully Automated Electronic Gaming Table Master List.

(2) Restricted Area/Off Premises Slot Machine, **Electronic Wagering Terminal** and Fully Automated Electronic Gaming Table Master List.

(b) A Gaming Floor Slot Machine, **Electronic Wagering Terminal** and Fully Automated Electronic Gaming Table Master List must list all slot machines, **electronic wagering terminals** and fully automated electronic gaming tables located on the gaming floor in consecutive order by the [slot machine] device location number under § 463a.3 (relating to slot machine, **electronic wagering terminal** and fully automated electronic gaming table location on the gaming floor) and contain the following:

(1) The date the list was prepared.

(2) A description of each slot machine, **electronic wagering terminal** or fully automated electronic gaming table which includes:

\* \* \* \* \*

(viii) The slot machine, **electronic wagering terminal** or fully automated electronic gaming table model.

(ix) The model type (reel or video), **if applicable**.

(x) The game theme/description.

(xi) The minimum payout percentage, **if applicable**.

(xii) The machine displayed payout percentage, **if applicable**.

(xiii) The paytable ID.

(xiv) Whether the slot machine, **electronic wagering terminal** or fully automated electronic gaming table is in a smoking area.

(xv) If the slot machine, **electronic wagering terminal** or fully automated electronic gaming table is a progressive, the type of progressive, the progressive controller type and the progressive software.

(xvi) The fund transfer/voucher system software.

(c) If a slot machine, **electronic wagering terminal** or fully automated electronic gaming table is configured to allow a patron to select from multiple **games or game themes**, each **game or game theme**, minimum and machine displayed payout percentages, **if applicable**, and paytable ID must be listed in the Gaming Floor Slot Machine, **Electronic Wagering Terminal** and Fully Automated Electronic Gaming Table Master List. Instead of listing each **game or game theme**, minimum and machine displayed payout percentage and paytable ID for a slot machine, **electronic wagering terminal** or fully automated electronic gaming table configured to offer multiple game themes with the slot machine, **electronic wagering terminal** or fully automated electronic gaming table, a slot machine licensee may use a unique generic code for the game theme and attach an appendix which lists the game themes, minimum and machine displayed payout percentages and paytable IDs that correspond to each unique generic game theme code.

(d) A Restricted Area/Off Premises Slot Machine, **Electronic Wagering Terminal** and Fully Automated Electronic Gaming Table Master List must include all slot machines, **electronic wagering terminals** and fully automated electronic gaming tables located off the gaming floor in a restricted area within the licensed facility approved under § 465a.8(b) (relating to licensed facility), or in storage locations in this Commonwealth off the premises of the licensed facility approved under § 463a.7 (relating to off premises storage of slot machines, **electronic wagering terminals** and fully automated electronic gaming tables) grouped by the location where the slot machines, **electronic wagering terminals** or fully automated electronic gaming tables are located. A Restricted Area/Off Premises Slot Machine, **Electronic Wagering Terminal** and Fully Automated Electronic Gaming Table Master List must include the following information:

(1) The date the list was prepared.

(2) A description of each slot machine, **electronic wagering terminal** and fully automated electronic gaming table which includes:

(i) The location of the slot machine, **electronic wagering terminal** or fully automated electronic gaming table.

(ii) The asset number.

(iii) The manufacturer's serial number.

(iv) The game software/program ID.

(v) The operating system/base ROM.

(vi) The game theme/description.

(vii) The manufacturer.

(viii) The slot machine, **electronic wagering terminal** or fully automated electronic gaming table model.

(ix) The model type (reel or video), **if applicable**.

(e) Once a slot machine, **electronic wagering terminal** or fully automated electronic gaming table has been placed in an authorized location on the gaming floor,



stored in a restricted area off the gaming floor but within the licensed facility approved under § 465a.8 or in a location in this Commonwealth off the premises of the licensed facility approved under § 463a.7, all subsequent movements of that slot machine, **electronic wagering terminal** or fully automated electronic gaming table shall be recorded by a slot department member in a slot machine movement log which includes the following:

(1) The asset number and model and manufacturer's serial number of the moved slot machine, **electronic wagering terminal** or fully automated electronic gaming table.

(2) The date and time of movement.

(3) The location from which the slot machine, **electronic wagering terminal** or fully automated electronic gaming table was moved.

(4) The location to which the slot machine, **electronic wagering terminal** or fully automated electronic gaming table was moved.

(5) The date and time of any required notice to the Department in connection with activation or disabling of the slot machine, **electronic wagering terminal** or fully automated electronic gaming table in the central control computer system.

(6) The signature of the slot shift manager and the lead technician verifying the movement of the slot machine, **electronic wagering terminal** or fully automated electronic gaming table in compliance with this section.

(f) Documentation summarizing slot machine, **electronic wagering terminal** or fully automated electronic gaming table movements, as described in subsection (e), shall be submitted to the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Gaming Laboratory Operations, on a daily basis.

(g) On the first Tuesday of each month a slot machine licensee shall file an updated Gaming Floor Slot Machine, **Electronic Wagering Terminal** and Fully Automated Electronic Gaming Table Master List and an updated Restricted Area/Off Premises Slot Machine, **Electronic Wagering Terminal** and Fully Automated Electronic Gaming Table Master List containing the information required under subsections (b)–(d). The Gaming Floor Slot Machine, **Electronic Wagering Terminal** and Fully Automated Electronic Gaming Table Master List and the Restricted Area/Off Premises Slot Machine, **Electronic Wagering Terminal** and Fully Automated Electronic Gaming Table Master List shall be filed in an electronic format with the Bureau of Gaming Laboratory Operations.

(h) Persons authorized by the Board to possess slot machines, **electronic wagering terminals** or fully automated electronic gaming tables under § 463a.1(c) (relating to possession of slot machines, **electronic wagering terminals** and fully automated electronic gaming tables generally) shall file with the Bureau of Gaming Laboratory Operations, in an electronic format approved by the Bureau of Gaming Laboratory Operations, a complete list of slot machines, **electronic wagering terminals** or fully automated electronic gaming table possessed by the person. The list shall:

(1) Be denoted as a Slot Machine, **Electronic Wagering Terminal** and Fully Automated Electronic Gaming Table Master List.

(2) Be filed within 3 business days of the initial receipt of slot machines, **electronic wagering terminals** or fully automated electronic gaming tables.

(3) Contain the following information:

(i) The date on which the list was prepared.

(ii) A description of each slot machine, **electronic wagering terminal** or fully automated electronic gaming table including:

(A) The manufacturer.

(B) The manufacturer's serial number.

(C) The slot machine, **electronic wagering terminal** or fully automated electronic gaming table model.

(D) The model type (reel or video), **if applicable**.

(E) Whether or not the slot machine, **electronic wagering terminal** or fully automated electronic gaming table is a progressive, and if it is, the type of progressive.

(i) On the first Tuesday of each month following the initial filing of a Slot Machine, **Electronic Wagering Terminal** and Fully Automated Electronic Gaming Table Master List, those persons enumerated in subsection (h) shall file with the Bureau of Gaming Laboratory Operations, in an electronic format approved by the Bureau of Gaming Laboratory Operations, an updated Slot Machine, **Electronic Wagering Terminal** and Fully Automated Electronic Gaming Table Master List containing the information required in subsection (h).

§ 463a.7. Off premises storage of slot machines, **electronic wagering terminals** and fully automated electronic gaming tables.

(a) A slot machine licensee may not store slot machines, **electronic wagering terminals** or fully automated electronic gaming tables off the premises of a licensed facility without prior approval from the Board's Executive Director.

(b) A slot machine licensee seeking to store slot machines, **electronic wagering terminal or fully automated electronic gaming tables** off the premises of a licensed facility shall submit a written request to the Bureau of Gaming Operations for off premise storage. The written request must include:

\* \* \* \* \*

(4) The anticipated number of slot machines, **electronic wagering terminals** or fully automated electronic gaming tables that may be stored at the proposed storage facility.

\* \* \* \* \*

## CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

### § 465a.2. Internal control systems and audit protocols.

\* \* \* \* \*

(d) A submission by a slot machine licensee must include, at a minimum, the following:

\* \* \* \* \*

(3) Procedures and controls for ensuring, in accordance with section 1323 of the act (relating to central control computer system), that each slot machine, **electronic wagering terminal** and fully automated electronic gaming table directly provides and communicates all required

activities and financial details to the central control computer system as set by the Board.

\* \* \* \* \*

**§ 465a.6. Retention, storage and destruction of books, records and documents.**

\* \* \* \* \*

(c) Original books, records and documents shall be retained by a slot machine licensee for a minimum of 5 years with the following exceptions:

\* \* \* \* \*

(3) Voided gaming vouchers and gaming vouchers redeemed at a location other than a slot machine, **electronic wagering terminal** or fully automated electronic gaming table shall be retained for a minimum of 30 days.

(4) Gaming vouchers redeemed at a slot machine, **electronic wagering terminal** or fully automated electronic gaming table shall be retained for a minimum of 7 days.

\* \* \* \* \*

**§ 465a.9. Surveillance system; surveillance department control; surveillance department restrictions.**

\* \* \* \* \*

(c) The surveillance system required in this section must include:

(1) Light sensitive cameras with lenses of sufficient magnification and 360° pan, tilt and zoom capabilities, without camera stops, to allow the operator to clandestinely monitor in detail and from various vantage points the following:

(i) The gaming conducted at the slot machines, **electronic wagering terminals** and fully automated electronic gaming tables in the licensed facility with sufficient clarity to read information on a reel strip or electronic table layout and the credit meter.

(ii) The gaming conducted at each table game that is not a fully automated electronic gaming table **or an electronic wagering terminal** in the licensed facility with sufficient clarity to identify patrons and dealers and sufficient coverage to simultaneously view the table and determine the configuration of wagers, card, dice and tile values and game outcomes.

\* \* \* \* \*

(2) The following number of cameras dedicated to table games that are not **electronic wagering terminals** or fully automated electronic gaming tables:

\* \* \* \* \*

**§ 465a.11. Slot machine licensee's organization; jobs compendium.**

\* \* \* \* \*

(b) A slot machine licensee's system of internal controls must also include, at a minimum, the following departments and supervisory positions, each of which must be categorized as mandatory and must cooperate with, yet perform independently of, other mandatory departments and supervisory positions of the slot machine licensee. Notwithstanding the foregoing, a department or supervisor that is not required or authorized by this section may operate under or in conjunction with a mandatory department or supervisor provided the organizational structure

is consistent with the standards contained within the act and subsection (a). Mandatory departments and supervisory positions are:

\* \* \* \* \*

(3) An information technology department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the information technology director. The information technology director shall be licensed as a key employee and be responsible for the quality, reliability and accuracy of all slot computer systems used by the slot machine licensee regardless of whether data, software or systems are located within or outside the licensed facility. The information technology director shall further be responsible for the security and physical integrity of, and the accountability and maintenance of, the following:

\* \* \* \* \*

(iv) The computerized slot monitoring system utilized by the slot machine licensee. The information technology director shall ensure that:

(A) Slot machines, **electronic wagering terminals** and fully automated electronic gaming tables located on the gaming floor are connected electronically to the slot machine licensee's computerized slot monitoring system and to the Commonwealth's central control computer in accordance with section 1323 of the act (relating to central control computer system).

\* \* \* \* \*

(D) Procedures and controls are in place that define and limit interaction between both the slot operations department and finance department and the computerized slot monitoring system including access to system menus, the establishment of slot machine, **electronic wagering terminal** and fully automated electronic gaming table profile parameters, and the ability of each department to access, delete, create or modify information contained in the slot monitoring system.

(4) Except as provided in [ **paragraph (8)** ] **paragraphs (8) and (9)**, a slot operations department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the director of slot operations. The director of slot operations shall be licensed as a key employee and be responsible for the operation of, and conduct of gaming at, slot machines and fully automated electronic gaming tables within the licensed facility.

\* \* \* \* \*

(7) Except as provided in [ **subsection (8)** ] **paragraphs (8) and (9)**, a slot machine licensee that has a certificate to operate table games shall have a table games department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the director of table games. The director of table games shall be licensed as a key employee and responsible for all table game functions including the inventory of table game equipment.

(8) In lieu of separate slot and table games departments, a slot machine licensee may elect to have a gaming department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the director of gaming. The director of gaming shall be licensed as a key employee and responsible for the overall operation and conduct of gaming at slot machines and table games within the licensed facility. A slot machine licensee may also elect to have a director

of table games and a director of slot operations who report to the director of gaming.

(9) Unless otherwise specified by the certificate holder, for the conduct of gaming on electronic wagering terminals and hybrid gaming tables, the slot operations department shall supervise the electronic wagering terminals and the table games department shall supervise the conduct of gaming at hybrid gaming tables as provided in paragraphs (4) and (7).

(c) The supervisors of the surveillance and internal audit departments required under subsection (b) shall report directly to one of the following persons or entities regarding matters of policy, purpose, responsibility and authority, which persons or entities shall also control the hiring, termination and salary of each supervisor:

\* \* \* \* \*

#### § 465a.17. Bill validators, slot cash storage boxes and table game drop boxes.

(a) Slot machines, **electronic wagering terminals** and fully automated electronic gaming tables must be equipped with a bill validator configured to accept any combination of currency, gaming vouchers, coupons and other instruments authorized by the Board for incrementing credits on a slot machine, **electronic wagering terminal** or fully automated electronic gaming table.

(b) Access to the bill validator must be controlled by at least one lock, the key to which shall be controlled by the slot operations department.

(c) The bill validator in a slot machine, **electronic wagering terminal** or fully automated electronic gaming table must contain a secure tamper resistant container known as a slot cash storage box or table game drop box. Currency, gaming vouchers, coupons and Board-approved instruments inserted into the bill validator shall be deposited into the slot cash storage box or table game drop box.

(d) The slot cash storage box or table game drop box on a fully automated electronic gaming table **or an electronic wagering terminal** must be secured to the bill validator by two separate locks, the keys to which shall be different from each other, one of which may be the lock to the belly door or main door of the slot machine, **electronic wagering terminal** or fully automated electronic gaming table and a second of which is the lock on the release mechanism on the slot cash storage box or table game drop box. If there is not a full door on the bill validator, the lock on the release mechanism on the slot cash storage box or table game drop box must detect and display whether it is locked or unlocked and communicate whether it is locked or unlocked to a slot monitoring system. The keys shall be maintained and controlled as follows:

(1) The key to the main door and belly door, if applicable, of the slot machine, **electronic wagering terminal** or fully automated electronic gaming table shall be maintained and controlled by the slot operations department. The slot operations department may, immediately prior to the commencement of the drop, issue its main door and belly door key, if applicable, to the finance department. A key transferred from the slot operations department to the finance department shall be returned immediately following the conclusion of the drop. The slot operations department shall establish sign in and sign out procedures in its internal controls documenting this transfer.

(2) The key to the lock securing the release mechanism on the slot cash storage box or table game drop box shall be maintained and controlled by the security department. The security department shall establish a sign out and sign in procedure with regard to this key which includes documentation of this transfer.

(e) A slot cash storage box or table game drop box from a fully automated electronic gaming table **or an electronic wagering terminal** must:

\* \* \* \* \*

(5) Have an asset number that is permanently imprinted, affixed or impressed on the outside of the slot cash storage box or table game drop box which corresponds to the asset number of the slot machine, **electronic wagering terminal** or fully automated electronic gaming table to which the bill validator has been attached. In lieu of the asset number, a slot machine licensee may develop and maintain, with prior Board approval, a system for assigning a unique identification number to its slot cash storage boxes or table game drop boxes. The system must ensure that each slot cash storage box or table game drop box can readily be identified, either manually or by computer, when in use with, attached to and removed from a particular bill validator. Each unique identification number must be permanently imprinted, affixed or impressed on the outside of each slot cash storage box or table game drop box that does not otherwise bear an asset number. The asset number or unique identification number must be conspicuous and clearly visible to persons involved in removing or replacing the slot cash storage box or table game drop box in the bill validator and through the slot machine licensee's surveillance system. Notwithstanding the foregoing, emergency slot cash storage boxes and emergency table game drop boxes for fully automated electronic gaming tables **or electronic wagering terminals** may be maintained without an asset number or a unique identification number, provided the word "emergency" is permanently imprinted, affixed or impressed thereon, and when put into use, are temporarily marked with the asset number of the slot machine, **electronic wagering terminal** or fully automated electronic gaming table to which the bill validator is attached.

(6) Be designed and installed in a manner that renders the slot machine, **electronic wagering terminal** or fully automated electronic gaming table inoperable in the event of the removal or absence of the slot cash storage box or table game drop box.

(f) A table game in a licensed facility that is not a fully automated electronic gaming table **or an electronic wagering terminal** must have a secure tamper-resistant table game drop box attached to it in which the following shall be deposited:

\* \* \* \* \*

(g) A table game drop box from a table game that is not a fully automated electronic gaming table **or electronic wagering terminal** must have:

\* \* \* \* \*

(h) The key utilized to release the table game drop boxes from table games that are not fully automated electronic gaming tables **or electronic wagering terminals** shall be maintained and controlled by the security department. The security department may, immediately prior to the commencement of the table game count process, issue its release key to the count room supervisor for the purpose of resetting the release mechanism on



empty table game drop boxes. A key transferred from the security department shall be returned immediately following the conclusion of the count of the table game drop boxes. The security department shall establish sign in and sign out procedures in its internal controls documenting this transfer and procedures governing the control of the key during any breaks taken by the count room personnel.

(i) The key to one of the locks securing the contents of a table game drop box from a table game that is not a fully automated electronic gaming table **or an electronic wagering terminal** shall be maintained and controlled by the finance department. The key to the second lock securing the contents of the table game drop box from a table game that is not a fully automated electronic gaming table **or an electronic wagering terminal** shall be maintained and controlled by the casino compliance representatives.

(j) Prior to using a table game drop box labeled "Emergency" for a table game that is not a fully automated electronic gaming table **or an electronic wagering terminal**, the certificate holder shall:

\* \* \* \* \*

**§ 465a.18. Transportation of slot cash storage boxes and table game drop boxes to and from the gaming floor; storage.**

(a) Slot machine licensees shall submit and obtain the approval of the Bureau of Casino Compliance, in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment), the plan for the distribution and collection of slot cash storage boxes and table game drop boxes. The plan must:

(1) Provide for the separate distribution and collection of [ **table game drop boxes from table games that are not fully automated electronic gaming tables from slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables.** ]:

(i) **Slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables and electronic wagering terminals.**

(ii) **Table game drop boxes not otherwise specified in subparagraph (i).**

(2) Include the time the distribution and collection of [ **table game drop boxes from table games that are not fully automated electronic gaming tables, slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables will begin.** ]:

(i) **Slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables and electronic wagering terminals will begin.**

(ii) **Table game drop boxes not otherwise specified in subparagraph (i) will begin.**

(3) Specify which slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables **and electronic wagering terminals** will be picked up on each pick-up day.

(4) Specify the order in which the slot cash storage boxes and table game drop boxes will be distributed and collected.

(5) Specify the route that the drop team will utilize from the gaming floor to the count room.

(b) Slot machine licensees shall maintain and make available to the Bureau of Casino Compliance and the Pennsylvania State Police a current list, with Board credential numbers, of all employees participating in the transportation of slot cash storage boxes and table game drop boxes to and from the gaming floor. The slot machine licensee shall file notice with the Bureau of Casino Compliance and obtain verbal approval from the casino compliance supervisor at the licensed facility prior to:

(1) Deviating from the schedule setting forth the specific times at which slot cash storage boxes or table game drop boxes are brought to or removed from the gaming floor.

(2) Changing which slot cash storage boxes or table game drop boxes from fully automated electronic gaming tables **or electronic wagering terminals** will be picked up on each pick-up day.

(3) Altering the route to the count room.

(c) Table game drop boxes from table games that are not fully automated electronic gaming tables **or electronic wagering terminals** shall be removed from all gaming tables once each gaming day regardless of whether or not the gaming table was open or closed during that gaming day. Table game drop boxes from table games that are not fully automated electronic gaming tables **or electronic wagering terminals** shall be collected separately from slot cash storage boxes and table game drop boxes from **electronic wagering terminals** and fully automated electronic gaming tables.

(d) Slot cash storage boxes and table game drop boxes removed from bill validators or gaming tables shall be transported directly to, and secured in, the count room or a trolley storage area located immediately adjacent thereto, configured and secured by a minimum of three employees, at least one of which is a member of the security department and at least one of which is a member of the finance department.

\* \* \* \* \*

(2) Prior to the movement of any trolley, which contains slot cash storage boxes or table game drop boxes, from the gaming floor into the count room, the drop team supervisor shall verify that the number of slot cash storage boxes and table game drop boxes removed from the gaming floor equals the number of slot cash storage boxes and table game drop boxes scheduled to be collected that day and that the locks controlled by security and the finance department have been locked. For table game drop boxes removed from table games that are not fully automated electronic gaming tables **or electronic wagering terminals**, a floorperson or above may verify the number of table game drop boxes removed from the gaming floor instead of the drop team supervisor.

\* \* \* \* \*

**§ 465a.19. Acceptance of tips or gratuities from patrons.**

\* \* \* \* \*

(g) Notwithstanding the requirements in subsection (c), a certificate holder that offers [ **the game of Poker may either** ]:

(1) **Nonbanking Poker may either:**

[ (1) ] (i) Establish a separate common pool for tips and gratuities received by its Poker dealers.



[ (2) ] (ii) Permit a Poker dealer to retain his own tips and gratuities, in which case the tips and gratuities received by a Poker dealer shall be deposited, in accordance with procedures in subsection (d), in a transparent locked box assigned to the particular dealer. The box shall be moved from table to table with the dealer.

(2) Gaming on electronic wagering terminals may allow players to tip from the electronic wagering terminal provided that the certificate holder specifies how the tips placed electronically will be recorded, pooled and distributed in accordance with this section.

(h) When a slot machine licensee elects to use the option in subsection [ (g)(2) ] (g)(1)(ii), at the end of the Poker dealer's shift, the dealer shall take the transparent locked box assigned to the dealer to a cage cashier. The cage cashier shall open the container and count the tips and gratuities in the presence of the Poker dealer and record the total amount of the tips and gratuities received by the dealer and either:

\* \* \* \* \*

#### § 465a.25. Counting and recording of slot cash storage boxes and table game drop boxes.

(a) Prior to commencing gaming operations, a slot machine licensee shall establish a comprehensive system of internal controls addressing the opening, counting and recording of the contents of slot cash storage boxes and table game drop boxes. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols) and must include:

\* \* \* \* \*

(3) The procedures for conducting each required count, which must include, at a minimum, the following:

\* \* \* \* \*

(ix) A gaming voucher or coupon deposited in a slot cash storage box or table game drop box from a fully automated electronic gaming table **or an electronic wagering terminal** shall be counted and included in the calculation of revenue without regard to the validity of the gaming voucher or coupon.

\* \* \* \* \*

(b) A slot machine licensee shall file with the Bureau of Casino Compliance, in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment), a schedule setting forth the times during which the contents of slot cash storage boxes, table game drop boxes from table games that are not fully automated electronic gaming tables **or electronic wagering terminals** and table game drop boxes from table games that are fully automated electronic gaming tables **or electronic wagering terminals** are to be counted and recorded. The slot machine licensee shall file notice with the Bureau of Casino Compliance and obtain verbal approval from the casino compliance supervisor at the licensed facility prior to deviating from the count schedule.

\* \* \* \* \*

(e) The opening, counting and recording of the contents of table game drop boxes from table games that are not fully automated electronic gaming tables **or electronic wagering terminals** may not commence until a casino compliance representative is present in the count room. If the casino compliance representative has to leave the

count room during the table game count, the count shall be suspended and all personnel in the count room shall vacate the count room until a casino compliance representative is available to observe the resumption of the count.

\* \* \* \* \*

(m) All table game drop boxes from table games that are not fully automated electronic gaming tables **or electronic wagering terminals** shall be counted and recorded at least once each gaming day. The slot machine licensee shall designate which slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables **and electronic wagering terminals** will be counted and recorded each gaming day. The following shall be counted and recorded separately:

(1) Slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables **and electronic wagering terminals**.

(2) Table game drop boxes from banking games that are not fully automated electronic gaming tables **or electronic wagering terminals**.

(3) Table game drop boxes from nonbanking games.

(n) After the contents of slot cash storage boxes and table game drop boxes from fully automated electronic gaming tables **and electronic wagering terminals** have been removed and counted, a count team member shall present the currency to a main bank cashier or cage supervisor in the count room who shall recount, either manually or mechanically, the currency prior to having access to the information recorded by the count team.

(o) Table game drop boxes from table games that are not fully automated electronic gaming tables **or electronic wagering terminals** shall be counted and recorded as follows:

\* \* \* \* \*

(4) After preparation of the Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report or the electronic equivalents prepared on a computer system, the count team members and the count room supervisor shall sign the reports attesting to the accuracy of information recorded thereon. The count room supervisor shall verify that all of the table game drop boxes from table games that are not fully automated electronic gaming tables **or electronic wagering terminals** that were collected and opened by count team members have been recorded on the reports.

(5) Once all currency has been counted and the final count totals have been obtained, employees may not be permitted to leave the count room, except in an emergency, until the recount and presentation procedures in paragraph (6) have been completed.

(6) After the contents of all table game drop boxes from table games that are not fully automated electronic gaming tables **or electronic wagering terminals** have been removed and counted, all cash, value chips and Poker rake chips shall be presented in the count room by a count team member to a main bank cashier or cage supervisor who, prior to having access to the information recorded on the Daily Banking Table Game Count Report and the Daily Nonbanking Table Game Count Report or electronic equivalents and in the presence of the count team members and the casino compliance representative,

shall recount, either manually or mechanically, the currency, value chips and Poker rake chips presented in accordance with the following requirements:

\* \* \* \* \*

**§ 465a.26. Jackpot and credit meter payouts.**

(a) Prior to commencing gaming operations, a slot machine licensee shall establish a comprehensive system of internal controls addressing jackpot and credit meter payouts that are not paid directly from a slot machine, **electronic wagering terminal** or fully automated electronic gaming table. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(b) The internal control procedures must, at a minimum, include:

(1) The use of a two-part electronically generated jackpot/credit meter payout slip created by a slot attendant or slot supervisor or higher slot operations department employee, verifying the winning wager or winning combination of characters or a code corresponding to the winning combination of characters on the slot machine, **electronic wagering terminal** or fully automated electronic gaming table and the amount of the jackpot or credit meter payout based on the observed winning wager or winning combinations.

\* \* \* \* \*

(3) A requirement that if the jackpot or credit meter payout is equal to or between \$10,000 and \$24,999.99 on a slot machine, or between \$5,000 and \$24,999.99 on a fully automated electronic gaming table or **electronic wagering terminal**, a security department member, a slot supervisor or other employee holding the same or greater level of authority than a slot supervisor shall sign the jackpot/credit meter payout slip verifying the winning wager or winning combination of characters or a code corresponding to the winning combination of characters on the slot machine, **electronic wagering terminal** or fully automated electronic gaming table, the amount of the jackpot or credit meter payout, and the payment of the jackpot or credit meter payout to the patron. If the two-part electronically generated jackpot/credit meter payout slip required under paragraph (1) is created by a slot supervisor or higher slot operations department employee, the verification required by this paragraph may be completed by a slot attendant, security department member, a slot supervisor or other employee holding the same or greater level of authority as a slot supervisor.

(4) A requirement that if the jackpot or credit meter payout on a slot machine, **electronic wagering terminal** or fully automated electronic gaming table is \$25,000 or more, a slot supervisor or other employee holding the same or greater level of authority as a slot supervisor shall sign the jackpot/credit meter payout slip verifying the winning wager or winning combination of characters or a code corresponding to the winning combination of characters on the slot machine, **electronic wagering terminal** or fully automated electronic gaming table, the amount of the jackpot or credit meter payout, and the payment of the jackpot or credit meter payout to the patron. If the two-part electronically generated jackpot/credit meter payout slip required under paragraph (1) is created by a slot supervisor or higher slot operations department employee, the verification required by this paragraph may be completed by a slot attendant, security department member, a slot supervisor or other employee holding the same or greater level of authority as a slot supervisor.

(5) A requirement that the following information be on all two-part electronically generated jackpot/credit meter payout slips:

(i) The date and time of the jackpot or credit meter payout.

(ii) The asset number of the slot machine, **electronic wagering terminal** or fully automated electronic gaming table on which the jackpot or credit meter payout was registered.

\* \* \* \* \*

(7) A requirement that whenever a winning patron is paid directly by a slot attendant's imprest fund, a two-part manual jackpot/credit meter payout slip is completed that contains the following information:

(i) The date and time of the jackpot or credit meter payout.

(ii) The asset number of the slot machine, **electronic wagering terminal** or fully automated electronic gaming table on which the jackpot or credit meter payout was registered.

\* \* \* \* \*

(10) Detailed procedures on the processing of all system overrides or adjustments to jackpot or credit meter payouts. All jackpot or credit meter payouts that do not match the payout amount electronically sent from the slot machine, **electronic wagering terminal** or fully automated electronic gaming table to the slot monitoring system require an override.

\* \* \* \* \*

(13) Back-up procedures that will be used when the slot monitoring system is offline or an electronic jackpot payout slip cannot be created, including the use of a three-part manual jackpot or credit meter payout book or equivalent. The three-part manual jackpot payout book or equivalent must contain preprinted, serial numbered three-part manual jackpot/credit meter payout slips that include the following information:

(i) Preprinted serial numbers.

(ii) The date and time of the jackpot or credit meter payout.

(iii) The asset number of the slot machine, **electronic wagering terminal** or fully automated electronic gaming table on which the jackpot or credit meter payout was registered.

\* \* \* \* \*

**§ 465a.35. Personnel assigned to the operation and conduct of table games.**

(a) The following personnel shall be used to operate table games that are not fully automated electronic gaming tables or **electronic wagering terminals** in a licensed facility:

\* \* \* \* \*

(d) If the gaming tables being supervised by a floorperson are electronic gaming tables, other than fully automated electronic gaming tables or **electronic wagering terminals**, the maximum number of gaming tables that the floorperson may supervise may be increased by 50%. For example, under subsection (c)(1) the floorperson would be allowed to supervise six banking gaming tables instead of four.

\* \* \* \* \*

§ 465a.36. **Table inventories.**

(a) When a table game that is not a fully automated electronic gaming table **or electronic wagering terminal** is opened for gaming, operations shall commence with an amount of gaming chips, coins and plaques to be known as the table inventory.

\* \* \* \* \*

§ 465a.37. **Procedures for opening table games.**

(a) When a table game that is not a fully automated electronic gaming table **or electronic wagering terminal** is to be opened for gaming activity, the locked container with the table inventory and the duplicate copy of the Table Inventory Slip, if not already attached to the gaming table, shall be transported directly from the cage to the gaming table by a security department employee.

\* \* \* \* \*

§ 465a.38. **Procedures for distributing value chips, coins and plaques to gaming tables.**

(a) A request for a fill to add value chips, coins and plaques to table games that are not fully automated electronic gaming tables **or electronic wagering terminals** shall be prepared by a pit clerk or floorperson or above using a Fill Request Slip. Access to the blank Fill Request Slips shall be restricted to pit clerks and floorpersons or above.

\* \* \* \* \*

§ 465a.39. **Procedures for removing value chips, coins and plaques from gaming tables.**

(a) A request for a credit to remove value chips, coins and plaques from table games that are not fully automated electronic gaming tables **or electronic wagering terminals** shall be prepared by a pit clerk or floorperson or above using a Credit Request Slip. Access to the blank Credit Request Slips shall be restricted to pit clerks and floorpersons or above.

\* \* \* \* \*

§ 465a.40. **Procedures for accepting cash for gaming chips, plaques or electronic wagering credits at table games.**

When cash is presented by a patron at a table game that is not a fully automated electronic gaming table **or electronic wagering terminal** for exchange for gaming chips, plaques or electronic wagering credits:

\* \* \* \* \*

§ 465a.41. **Procedures for drops at open table games.**

(a) When a table game that is not a fully automated electronic gaming table **or electronic wagering terminal** is being dropped is to remain open for gaming activity, the value chips, coins and plaques remaining in the table inventory at the time of the drop shall be counted by the dealer or boxperson assigned to the gaming table and recorded on a Table Inventory Slip.

\* \* \* \* \*

§ 465a.42. **Procedures for closing table games.**

(a) When gaming activity at a table game that is not a fully automated electronic gaming table **or electronic wagering terminal** is concluded, the value chips, coins and plaques remaining at the gaming table shall be counted by the dealer or boxperson assigned to the

gaming table in the presence of the floorperson assigned to the gaming table.

\* \* \* \* \*

**Subpart K. TABLE GAMES**

**CHAPTER 601a. GENERAL TABLE GAME PROVISIONS**

§ 601a.9. **Table game taxes and gross table game revenue.**

\* \* \* \* \*

(b) Gross table game revenue includes the following:

(1) The net revenue from all banking table games including electronic gaming tables which are not fully automated electronic gaming tables **or electronic wagering terminals**.

(2) The net revenue from nonbanking table games.

(3) The net revenue from fully automated electronic gaming tables **and electronic wagering terminals**.

(4) The net revenue from contests or tournaments.

(c) Net revenue from banking table games, including electronic gaming tables which are not fully automated electronic gaming tables **or electronic wagering terminals**, must be the sum of the net revenue determined for each banking table game, which is not a fully automated electronic gaming table **or electronic wagering terminals**, individually. The net revenue for an individual banking table game which is not a fully automated electronic gaming table **or electronic wagering terminals** must be equal to the total of paragraphs (1) through (3) minus the total of paragraphs (4) and (5):

\* \* \* \* \*

(e) Net revenue from fully automated electronic gaming tables **and electronic wagering terminals** shall be determined through the Department's central control computer system. **Fully automated electronic gaming tables shall be taxed in accordance with section 13A62(a)(2) of the act (relating to table game taxes) and electronic wagering terminals operated by a dealer shall be taxed in accordance with section 13A62(a)(1) of the act.**

\* \* \* \* \*

**CHAPTER 605a. ELECTRONIC GAMING TABLES**

§ 605a.1. **Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Electronic wagering system*—A computer or server and any related hardware, software or other device that permits wagering to be conducted at a gaming table **or an electronic wagering terminal**.

*Electronic wagering terminal*—A mechanical, electrical or computerized device utilizing an electronic wagering system which, upon insertion of cash or cash equivalents or the placement of a wager, is available for operation by a player wagering at a hybrid gaming table.

*Game account*—The funds that are available to a player for use at an electronic gaming table **or electronic wagering terminal**.



**Hybrid gaming table**—A banked table game operable with the assistance of a dealer that is connected to one or more electronic wagering terminals.

**Local area progressive controller**—The hardware and software used to configure, maintain and operate a shared link between progressive table games within a licensed facility.

#### § 605a.2. Electronic wagering systems.

(a) A certificate holder may conduct electronic wagering at a gaming table **or electronic wagering terminal** in accordance with this chapter. Electronic wagering at a gaming table shall be conducted through the use of an electronic wagering system. If an electronic wagering system is in use [ **at a gaming table** ], wagers placed at that gaming table **or at each player's electronic wagering terminal**, or only those wagers that are specified in the rules of the game, shall be made using the electronic wagering system **at the table or at each player's electronic wagering terminal**.

(b) An electronic wagering system must be a dedicated computer system. The computer or server controlling the system shall be under dual key control, with one key controlled by the finance department and the other key controlled by the table games department or the slot operations department if the computer or server is controlling a fully automated electronic gaming table **or an electronic wagering terminal**.

(c) All aspects of an electronic wagering system **or electronic wagering terminal**, including the computer or server and any related hardware, software or related devices shall be tested by the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to use at any licensed facility in this Commonwealth.

(d) An electronic wagering system must:

(1) Credit funds to the game account of a player when a player buys in to a game at a particular gaming table **or on an electronic wagering terminal** and debit any remaining funds from the game account when a player cashes out of the game.

\* \* \* \* \*

(6) Accurately report and audit the table [ **game's** ] **game or electronic wagering terminal** win or loss or Poker revenue in accordance with § 637a.17.

(7) Be capable of generating reports setting forth, by gaming day, for each gaming table **or electronic wagering terminal** using the electronic wagering system:

[ (i) **The total amount deposited into the game account of each player.**

(ii) ] (i) The total amount deposited into game accounts by all players.

[ (iii) **The total amount credited to the game account of each player in payment of winnings.**

(iv) ] (ii) The total amount credited to the game accounts of all players in payment of winnings.

[ (v) **The total amount collected from each player as losing wagers.**

(vi) ] (iii) The total amount collected from all players as losing wagers.

[ (vii) ] (iv) For Poker, if applicable[ , the total amount deducted from the game account of each player for collection of Poker rake time charges in accordance with § 637a.17. ]:

[ (viii) **For Poker, if applicable, the** ] (A) **The total amount collected from the accounts of all players for collection of Poker rake time charges in accordance with § 637a.17.**

[ (ix) **For Poker, if applicable, the** ] (B) **The total amount collected from Poker pots for collection of Poker rake in accordance with § 637a.17.**

[ (x) **The total amount withdrawn from game accounts by each player.**

(xi) ] (v) The total amount withdrawn from game accounts by all players.

[ (xii) ] (vi) The table game [ **win or loss or Poker revenue** ] **or electronic wagering terminal gross table game revenue.**

(e) After installation, electronic wagering systems, **hybrid gaming tables and electronic wagering terminals** shall be inspected by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 prior to use at any licensed facility in this Commonwealth.

#### § 605a.3. Procedures for buying in to and cashing out of a table game using an electronic wagering system.

(a) A player shall buy in to a table game using an electronic wagering system as follows:

(1) If the gaming table **or electronic wagering terminal** is equipped with a bill validator, a player shall buy in to the game by either:

(i) Inserting currency or, if the table game is a fully automated electronic gaming table **or an electronic wagering terminal**, a gaming voucher, into the bill validator. The electronic wagering system must credit an equivalent amount of funds into the game account of the player, which must be displayed on the electronic fund display.

(ii) Presenting currency or value chips to the dealer or boxperson if the table game is not a fully automated electronic gaming table **or an electronic wagering system**.

\* \* \* \* \*

(b) A player shall cash out of a table game using an electronic wagering system as follows:

(1) If the gaming table is a fully automated electronic gaming table **or an electronic wagering terminal**, by receiving a gaming voucher equal in value to the balance in the game account of the player.

(2) If the gaming table is not a fully automated electronic gaming table **or an electronic wagering terminal**, by receiving value chips from the dealer or boxperson from the table inventory container equal in value to the balance in the game account of the player.

(3) If the gaming table is not a fully automated electronic gaming table **or an electronic wagering terminal**, after cashing out the player, the dealer or boxperson shall zero out the amount on the electronic fund display of the player.

#### § 605a.4. Electronic gaming tables.

\* \* \* \* \*



(b) An electronic gaming table system must contain a dedicated computer system. The computer or server controlling the system shall be under dual key control, with one key controlled by the finance department and the other key controlled by the table games department or the slot operations department if the computer or server is controlling a fully automated electronic gaming table **or electronic wagering terminal**. All aspects of an electronic gaming table system, including the computer or server and related hardware, software or related devices shall be tested by the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval), for compliance with the requirements of this section, prior to use at any licensed facility in this Commonwealth.

\* \* \* \* \*

(g) An electronic gaming table that is not a fully automated electronic gaming table **or an electronic wagering terminal** must be equipped with the following meters, when applicable:

\* \* \* \* \*

§ 605a.5. Fully automated electronic gaming tables and **electronic wagering terminals**.

(a) [ **A fully** ] **Fully** automated electronic gaming [ **table** ] **tables and electronic wagering terminals** must comply with the comprehensive protocol specifications required under section 1324 of the act (relating to protocol information) that are necessary to enable the fully automated electronic gaming table **or electronic wagering terminal** to communicate with the Department's central control computer system, for the purpose of transmitting auditing program information, real time information retrieval and [ **fully automated table electronic** ] game activation and disabling.

(b) A fully automated electronic gaming table must have installed software or hardware that distinguishes the fully automated electronic gaming table from a slot machine as defined by the act.

(c) A fully automated electronic gaming table **and an electronic wagering terminal** must have the capability to accept currency or gaming vouchers and to issue a gaming voucher to a player for any winnings.

(d) A fully automated electronic gaming table **and an electronic wagering terminal** must be equipped with the following meters, where applicable:

(1) *Coin in*. A meter that accumulates the total value of all wagers.

(2) *Coin out*. A meter that accumulates the total value of all amounts directly paid by the fully automated electronic gaming table **or electronic wagering terminal** as a result of winning wagers. This meter may not record amounts awarded as the result of a progressive payout.

(3) *Attendant paid jackpots*. A meter that accumulates the total value of credits paid by an attendant resulting from a single winning outcome, the amount of which is not capable of being paid by the fully automated electronic gaming table **or electronic gaming terminal**. This meter may not record amounts awarded as the result of a progressive payout.

(4) *Attendant paid cancelled credits*. A meter that accumulates the total value of all amounts paid by an attendant resulting from a player initiated cash-out that

exceeds the physical or configured capability of the fully automated electronic gaming table **or electronic wagering terminal**.

(5) *Bill in*. A meter that accumulates the total value of currency accepted. The fully automated electronic gaming table **or electronic wagering terminal** must also have a specific meter for each denomination.

(6) *Voucher in—cashable/value*. A meter that accumulates the total value of cashable gaming vouchers accepted by the fully automated electronic gaming table **or electronic wagering terminal**.

(7) *Voucher in—cashable/count*. A meter that accumulates the total number of cashable gaming vouchers accepted by the fully automated electronic gaming table **or electronic wagering terminal**.

(8) *Voucher out—cashable/value*. A meter that accumulates the total value of cashable gaming vouchers issued by the fully automated electronic gaming table **or electronic wagering terminal**.

(9) *Voucher out—cashable/count*. A meter that accumulates the total number of cashable gaming vouchers accepted by the fully automated electronic gaming table **or electronic wagering terminal**.

(10) *Fully automated electronic gaming table paid progressive payout or electronic wagering terminal paid progressive payout*. For fully automated electronic gaming tables **or electronic wagering terminals** offering a progressive payout, a meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the fully automated electronic gaming table **or electronic wagering terminal**.

(11) *Attendant paid progressive payout*. For fully automated electronic gaming tables **or electronic wagering terminal** offering a progressive payout, a meter that accumulates the total value of credits paid by an attendant as a result of progressive awards that are not capable of being paid by the fully automated electronic gaming table **or electronic wagering terminal**.

(12) *Additional meters*. Other meters required by technical standards adopted by the Board as published in the *Pennsylvania Bulletin* and posted on the Board's web site.

§ 605a.7. Progressive table games.

(a) **The requirements in this section apply to progressives offered on a fully automated electronic gaming table, electronic gaming tables, hybrid gaming tables and live table games.** Each progressive on a fully automated electronic gaming table, electronic gaming table, **hybrid gaming table** or live table game must have:

(1) A progressive meter visible from the front of the gaming table, which must increase in value based upon wagers, that advises the players of the amount which can be won if the player receives the corresponding outcome.

(2) A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by a fully automated electronic gaming table, **electronic wagering terminal** or electronic gaming table.

(3) A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by an attendant as a result of progressive awards that are not capable of being paid by a fully automated electronic gaming table, **electronic wagering terminal** or electronic gaming table.

\* \* \* \* \*

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

#### § 605a.9. Hybrid gaming tables.

(a) In addition to the requirement in this chapter, hybrid gaming tables and electronic wagering terminals shall comply with the requirements in Chapter 461a (relating to slot machine and table game device testing and control).

(b) Regardless of the number of hybrid gaming tables, every five electronic wagering terminals count as one gaming table for purposes of the number of gaming tables authorized under section 13A11(b) of the act (relating to authorization to conduct table games). Electronic wagering terminals in excess of multiples of five count as an additional gaming table. For example, 26 electronic wagering terminals that are connected to 1 hybrid gaming table count as 6 gaming tables for purposes of the overall table game count.

(c) Wagering on a hybrid gaming table shall be conducted on an electronic wagering terminal. Each electronic wagering terminal must display the live table game play conducted on a hybrid gaming table.

### CHAPTER 607a. POSSESSION OF TABLE GAMES AND TABLE GAME DEVICES

#### § 607a.2. Table game device master list.

(a) Prior to commencement of table game operations at a licensed facility, a table games certificate holder shall file with the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Gaming Laboratory Operations, a Gaming Floor Table Game Device Master List and a Restricted Area/Off Premises Table Game Device Master List for the following table game devices:

\* \* \* \* \*

(5) Electronic wagering systems as described in § 605a.2 (relating to electronic wagering systems). **For purposes of this section, electronic wagering systems do not include those associated with fully automated electronic gaming tables or electronic wagering terminals which are otherwise included on the Slot Machine, Electronic Wagering Terminal and Fully Automated Electronic Gaming Table Master List required under § 463a.5 (relating to slot machine, electronic wagering terminal and fully automated electronic gaming table master lists).**

(6) Hybrid gaming tables as described in § 605a.9 (relating to hybrid gaming tables).

[ (6) ] (7) Any other mechanical, electrical or computerized contrivance, terminal or machine required to be submitted to the Bureau of Gaming Laboratory Operators for testing and approval in accordance with Chapter 461a (relating to slot machine and table game device testing and control) **that is not otherwise on the slot machine, electronic wagering terminal and fully automated electronic gaming table master list required under § 463a.5.**

\* \* \* \* \*

(c) In conjunction with the Gaming Floor and Restricted Area/Off Premises Slot Machine and Fully Automated Electronic Gaming Table Master List filed in accordance with § 463a.5(g) **[ (relating to slot machine and fully automated electronic gaming table master lists) ]**, on the first Tuesday of each month, a certificate holder shall file with the Bureau of Gaming Laboratory

Operations an updated Gaming Floor Table Game Device Master List and Restricted Area/Off Premises Table Game Device Master List containing the information required under subsection (b). The Gaming Floor Table Game Device Master List and the Restricted Area/Off Premises Table Game Device Master List shall be filed in an electronic format with the Bureau of Gaming Laboratory Operations.

[Pa.B. Doc. No. 15-1410. Filed for public inspection July 31, 2015, 9:00 a.m.]

**[ 58 PA. CODE CHS. 465a, 583, 585, 587, 588, 589, 590, 591, 592, 593, 611a, 667a, 668a, 669a, 670a, 671a, 672a, 673a, 674a, 675a AND 676a ]**

#### Table Game Rules of Play

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 13A02(1), (2), (4) and (7) and 13A23(a) (relating to regulatory authority; and training of employees and potential employees), proposes to amend Chapters 465a and 611a (relating to accounting and internal controls; and table game minimum training standards), rescind temporary Chapters 583, 585, 587, 588, 589, 590, 591, 592 and 593 and add Chapters 667a, 668a, 669a, 670a, 671a, 672a, 673a, 674a, 675a and 676a to read as set forth in Annex A.

#### Purpose of the Proposed Rulemaking

This proposed rulemaking will add a new table game, transition nine temporary table game chapters into permanent regulations, update the surveillance requirements to incorporate the additional table games and amend the dealer minimum training requirements.

#### Explanation

##### Surveillance requirements in Chapter 465a

The surveillance requirements in § 465a.9 (relating to surveillance system; surveillance department control; surveillance department restrictions) are proposed to be amended to incorporate the ten additional table games in this proposed rulemaking that are being added to the permanent regulations. The provisions being added to § 465a.9 are consistent with surveillance requirements in the temporary regulations, which will be rescinded upon final-form rulemaking.

##### Dealer training in Chapter 611a

The dealer training requirements in § 611a.2 (relating to minimum proficiency requirements) are proposed to be amended to provide clarity to the regulated community, to include training on games not previously incorporated into the regulations and to reduce the number of hours of training on specific game types for experienced dealers only.

Proposed amendments to § 611a.2(a), regarding inexperienced dealer training, provide clarity by grouping like games together, eliminating the reference to Pai Gow Poker and Baccarat style games, as those games are "other banked card games" which are already incorporated into the requirements under the Blackjack training, and including training on Big 6 Wheel and Sic Bo, game types not previously incorporated into the regulations.

Section 611a.2(b) addresses additional training for those dealers who are already trained and experienced in

dealing table games. These provisions are applicable when a dealer is trained on one table type, card style games for example, and wish to be trained on a different table type, such as Craps or tiles. The amendments to subsection (b) are proposed for clarity and to reduce the number of hours of additional training an experienced dealer is required to complete to deal dice, Roulette or tile games.

Proposed § 611a.2(d) requires licensees to specify the mechanism and the amount of additional training experienced dealers will be completing to deal a different game of the same table type. This provision is applicable when a dealer is already experienced to deal a table type, such as the card game Pai Gow Poker, but would now like to deal the new game of the same table type, such as proposed card game Go Fore It. All training programs are required to be submitted in accordance with § 611a.4 (relating to submission of training programs to the Board).

#### *Table games*

Flop Poker, Props & Hops, Raise It Up Stud Poker, Six Card Fortune Pai Gow Poker, Lunar Poker, Free Bet Blackjack, Double Back Jack, Criss-Cross Poker and High Roll Dice are proposed to be transitioned from temporary regulations to permanent regulations. Go Fore It, a table game, is proposed to be added.

For the rules of play for table games, most chapters are drafted in the same basic format: section a.1 containing the definitions used throughout the chapter; section a.2 containing the table physical characteristics; section a.3 detailing the number of cards and decks used to play the game; section a.4 addressing the opening of the table for gaming; section a.5 detailing how the cards are to be shuffled and cut; section a.6 specifying the ranking of the hands; section a.7 outlining the permissible wagers; sections a.8—a.10 detailing the procedures for dealing the cards; section a.11 addressing how the round of play is to be completed; section a.12 outlining the permissible payout odds for winning wagers; and section a.13 addressing irregularities in play.

The Board approved some revisions between the temporary regulations and the proposed permanent regulations. An optional progressive side wager is proposed to be added in Chapter 667a (relating to Flop Poker). In Chapter 668a (relating to Props & Hops), three wagers were not transferred and seven wagers are proposed to be added.

Chapter 671a (relating to Lunar Poker) is a complete rewrite of the game from the temporary regulations.

In Chapter 672a (relating to Free Bet Blackjack), optional surrender was not transferred from this Blackjack variation as players may split or double-down without placing an additional wager depending on the value of the player's hand.

Minor revisions are made to payout tables in Chapters 674a and 675a (relating to Criss-Cross Poker; and High Roll Dice).

#### *Fiscal Impact*

**Commonwealth.** The Board does not expect that this proposed rulemaking will have fiscal impact on the Board or other Commonwealth agencies. Updates to Rules Submission forms and internal control procedures will be reviewed by existing Board staff.

**Political subdivisions.** This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

**Private sector.** This proposed rulemaking will provide certificate holders with additional table game options. If a certificate holder decides to offer the games within the licensed facility, the certificate holder will be required to train their dealers on the rules of play and may need to purchase new equipment. Costs incurred to train employees or purchase/lease equipment should be offset by the proceeds of gaming.

**General public.** This proposed rulemaking will not have fiscal impact on the general public.

#### *Paperwork Requirements*

If a certificate holder selects different options for the play of table games, the certificate holder will be required to submit an updated Rules Submission form reflecting the changes. These forms are available and submitted to Board staff electronically.

#### *Effective Date*

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

#### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin*. Public comments should be addressed to Susan A. Yocum, Assistant Chief Counsel, Attention: Regulation #125-188 Public Comment, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060.

#### *Contact Person*

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 346-8300.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 15, 2015, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at [www.gamingcontrolboard.pa.gov](http://www.gamingcontrolboard.pa.gov).

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

WILLIAM H. RYAN, Jr.,  
Chairperson

**Fiscal Note:** 125-188. No fiscal impact; (8) recommends adoption.



## Annex A

## TITLE 58. RECREATION

## PART VII. GAMING CONTROL BOARD

## Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

## CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

## § 465a.9. Surveillance system; surveillance department control; surveillance department restrictions.

\* \* \* \* \*

(c) The surveillance system required in this section must include:

\* \* \* \* \*

(2) The following number of cameras dedicated to table games that are not fully automated electronic gaming tables:

(i) **[At] Except as provided in subparagraphs (ii)—(vii), at least one stationary camera for each table game offered by the licensed facility [except Craps, Baccarat, Roulette and Big Six Wheel].**

(ii) At least two stationary cameras for each Craps and Three Dice Football table, with one camera covering each end of the table.

(iii) At least two stationary cameras for each Baccarat table, with one camera covering each end of the table.

(iv) At least two stationary cameras for each Roulette table, with one camera covering the wheel and one camera covering the table layout.

(v) At least two stationary cameras for each Big Six Wheel, with one camera covering the wheel and one camera covering the table layout.

(vi) **At least two stationary cameras for each Props & Hops table with one camera covering the designated circle on the table layout for the placement of the uncovered shaker and one camera covering the table layout.**

(vii) **At least two stationary cameras for each High Roll Dice table with one camera covering the throw box and one camera covering the remainder of the table.**

(3) Additional cameras as required by the Bureau of Casino Compliance. The additional cameras may include cameras with 360° pan, tilt and zoom capabilities.

\* \* \* \* \*

## Subpart K. TABLE GAMES

## CHAPTER 583. [ FLOP POKER ] (Reserved)

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 583 which appears in 58 Pa. Code pages 583-1—583-12, serial pages (370399), (370400) and (367277)—(367286).)*

## §§ 583.1—583.14. (Reserved).

## CHAPTER 585. [ PROPS &amp; HOPS ] (Reserved)

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 585 which appears in 58 Pa. Code pages 585-1—585-6, serial pages (370401), (370402), (367289), (367290), (368207) and (368208).)*

## §§ 585.1—585.5. (Reserved).

## CHAPTER 587. [ RAISE IT UP STUD POKER ] (Reserved)

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 587 which appears in 58 Pa. Code pages 587-1—587-16, serial pages (370403), (370404), (368211)—(368222), (369407) and (369408).)*

## §§ 587.1—587.14. (Reserved).

## CHAPTER 588. [ SIX-CARD FORTUNE PAI GOW POKER ] (Reserved)

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 588 which appears in 58 Pa. Code pages 588-1—588-20, serial pages (370405), (370406) and (369411)—(369428).)*

## §§ 588.1—588.13. (Reserved).

## CHAPTER 589. [ LUNAR POKER ] (Reserved)

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 589 which appears in 58 Pa. Code pages 589-1—589-14, serial pages (370407), (370408), (369431)—(369440), (369883) and (369884).)*

## §§ 589.1—589.13. (Reserved).

## CHAPTER 590. [ FREE BET BLACKJACK ] (Reserved)

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 590 which appears in 58 Pa. Code pages 590-1—590-13, serial pages (369885)—(369896) and (371285).)*

## §§ 590.1—590.13. (Reserved).

## CHAPTER 591. [ DOUBLE BACK JACK ] (Reserved)

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 591 which appears in 58 Pa. Code pages 591-1—591-12, serial pages (371287)—(371296), (372967) and (372968).)*

## §§ 591.1—591.13. (Reserved).

## CHAPTER 592. [ CRISS-CROSS POKER ] (Reserved)

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 592 which appears in 58 Pa. Code pages 592-1—592-12, serial pages (372969)—(372978), (374031) and (374032).)*

## §§ 592.1—592.13. (Reserved).

## CHAPTER 593. [ HIGH ROLL DICE ] (Reserved)

*(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 593 which appears in 58 Pa. Code pages 593-1—593-6, serial pages (374033)—(374038).)*

## §§ 593.1—593.6. (Reserved).

## CHAPTER 611a. TABLE GAME MINIMUM TRAINING STANDARDS

## § 611a.2. Minimum proficiency requirements.

(a) A curriculum related to the conduct of table games offered by a gaming school or by a certificate holder must, at a minimum, include:

(1) The following minimum hours of instruction on the conduct of table games in accordance with the regulations in this subpart:



<i>Table Game</i>	<i>Minimum Hours of Instruction</i>
Blackjack and other banked card games	100 hours over a 5-week period, at least 80 hours of which shall be in Blackjack
Craps [ and ], Mini-Craps and other dice games	160 hours over a 6-week period
[ Baccarat, Midibaccarat and Minibaccarat	80 hours over a 4-week period ]
Nonbanked Poker	80 hours over a 4-week period
Roulette	80 hours over a 4-week period
Pai Gow Tiles	160 hours over a 6-week period
[ Pai Gow Poker	80 hours over a 4-week period ]
Sic Bo and Big 6 Wheel	30 hours over a 2-week period

(2) The proper use, control and shuffling of playing cards for authorized games that involve the use of cards.

(3) The proper use and control of dice for authorized games that involve the use of dice.

(4) The proper use and control of tiles for authorized games that involve the use of tiles.

(b) A dealer who has completed a course of training in accordance with subsection (a) and would like to be trained to deal a different game type (**for example, a dealer who is trained to deal banked card games but would like to deal Craps**) shall successfully complete, at a gaming school as defined in section 1103 of the act (relating to definitions) or through training offered by the certificate holder:

(1) The following minimum hours of instruction required for the different game type:

<i>Additional Training on Different Game Type</i>	<i>Minimum Hours of Instruction</i>
Blackjack and [ <b>Poker</b> ] all banked and nonbanked card games	60 hours over a 3-week period
Craps [ and ], Mini-Craps and other dice games	[ 140 ] 120 hours over a [ 6-week ] 5-week period
Roulette	[ 40 ] 30 hours over a 2-week period
Pai Gow Tiles	[ 140 ] 120 hours over a [ 6-week ] 5-week period
Sic Bo and Big 6 Wheel	15 hours over a 1-week period

(2) The table test required under § 611a.5 (relating to table test; employee personnel file).

(c) The minimum hours of instruction required under subsection (a) or (b) may be completed over an alternative duration of time as approved by the Board's Executive Director. A certificate holder or gaming school requesting to offer an alternative schedule to complete the minimum hours of instruction shall submit a written request to the Executive Director, in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), which contains a detailed description of when the training will be conducted.

(d) **For an experienced dealer who would like to be trained to deal a different game of the same game type (for example, an experienced Blackjack dealer who would like to be trained on another card game), the certificate holder shall specify in its training program submitted in accordance with § 611a.4 (relating to submission of training programs to the Board) the mechanism and the amount of training an experienced dealer shall complete on the different game of the same game type. The dealer shall successfully complete the table test in accordance with § 611a.5 on the new table game prior to dealing the new game on the certificate holder's gaming floor.**

(Editor's Note: Chapters 667a, 668a, 669a, 670a, 671a, 672a, 673a, 674a, 675a and 676a are new and printed in regular type to enhance readability.)

## CHAPTER 667a. FLOP POKER

Sec.	Definitions.
667a.1.	Flop Poker table physical characteristics.
667a.2.	Cards; number of decks.
667a.3.	Opening of the table for gaming.
667a.4.	Shuffle and cut of the cards.
667a.5.	Flop Poker rankings.
667a.6.	Wagers.
667a.7.	Procedure for dealing the cards from a manual dealing shoe.
667a.8.	Procedure for dealing the cards from the hand.
667a.9.	Procedures for dealing the cards from an automated dealing shoe.
667a.10.	Procedures for completion of each round of play.
667a.11.	Payout odds; Envy Bonus; rate of progression; payout limitation.
667a.12.	Irregularities.
667a.13.	

### § 667a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

**Burn**—To remove the top or next card from the deck and place it face down in the discard rack without exposing the card to anyone.

**Community card**—A card which may be used by all players to form the best possible five-card Poker hand.

**Flop**—The three community cards dealt during a round of play.

**Fold**—The withdrawal of a player from a round of play by not making a Flop Wager.

### § 667a.2. Flop Poker table physical characteristics.

(a) Flop Poker shall be played on a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Flop Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Three separate betting areas designated for the placement of Ante, Flop and Pot Wagers for each player.
- (3) A separate area designated for the placement of the three community cards located directly in front of the table inventory container.

(4) If a certificate holder offers the optional Three Card Bonus Wager authorized under § 667a.7(d)(3) (relating to wagers), a separate area designated for the placement of the Three Card Bonus Wager for each player.

(5) If the certificate holder offers the optional Progressive Flop Wager authorized under § 667a.7(d)(4), a separate area designated for the placement of the Progressive Flop Wager for each player.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Flop Poker table.

(7) Inscriptions indicating the following:

- (i) The Flop Wager must be equal to the Ante Wager.
- (ii) The Pot Wager must be equal to the table minimum.

(8) If the information required under paragraph (6) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Flop Poker table.

(c) If a certificate holder offers a Progressive Flop Wager in accordance with § 667a.7(d)(4), the Flop Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Flop Wagers. If the certificate holder is offering a Progressive Flop Wager on multiple linked tables or games in the same licensed facility, the progressive table game system must comply with § 605a.8 (relating to linked progressive table games). The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) Each Flop Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Flop Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

#### **§ 667a.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Flop Poker shall be played with one deck of cards that are identical in appearance and two cover cards.

(b) If an automated card shuffling device is utilized, Flop Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Flop Poker shall be changed at least every:

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

#### **§ 667a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 667a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

#### **§ 667a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with § 667a.8, § 667a.9 or § 667a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Flop Poker table which is open for gaming, the cards shall be spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 667a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (d)—(f) do not apply.

#### **§ 667a.6. Flop Poker rankings.**

(a) The rank of the cards used in Flop Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example, queen, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible five-card Poker hands at the game of Flop Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest ranking straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) Two pairs, which is a hand consisting of two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(9) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two Poker hands that are of identical rank under subsection (b), or that do not contain the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

(d) If the certificate holder is offering the Three Card Bonus Wager, the three-card Poker hands eligible for a payout are:

(1) A royal, which is a hand consisting of an ace, king and queen of the same suit.

(2) A straight flush, which is a hand consisting of three cards of the same suit in consecutive ranking, other than a royal.

(3) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(4) A straight, which is a hand consisting of three cards of more than one suit and of consecutive rank.

(5) A flush, which is a hand consisting of three cards of the same suit, regardless of rank.

(6) A pair, which is a hand consisting of two cards of the same rank.

#### **§ 667a.7. Wagers.**

(a) Wagers at Flop Poker shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Flop Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Flop Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 667a.8, § 667a.9 or § 667a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in



§ 667a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

(d) The following wagers may be placed in the game of Flop Poker:

(1) To participate in a round of play, each player shall place a Pot Wager equal to the table minimum and an Ante Wager.

(2) A player shall compete against a posted payable by placing a Flop Wager equal to the player's Ante Wager, in accordance with § 667a.11(b).

(3) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player at a Flop Poker table the option to make an additional Three Card Bonus Wager that the player's first three cards will contain a pair or better.

(4) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Flop Poker table the option to make an additional Progressive Flop Wager that two of the community cards and the player's three cards will contain a flush or better. After placing the Pot and Ante Wagers required under subsection (d)(1), a player may make an additional Progressive Flop Wager by placing a value chip on the designated betting area prior to the dealer announcing “no more bets.”

(e) A player may not wager on more than one player position at a Flop Poker table.

**§ 667a.8. Procedure for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 667a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards, the dealer shall announce “no more bets” and, if the Progressive Flop Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Flop Wagers. If any Progressive Flop Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Flop Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) After all players have placed their Ante, Pot, Three Card Bonus and Progressive Flop Wagers, the dealer shall collect each player's Pot Wager and place it in the center of the table in the area designated for the placement of the Pot Wagers.

(d) The dealer shall then, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 667a.7(d)(1) (relating to wagers) until each player who placed the required wagers has three cards. Each card shall be removed from the dealing shoe with the

hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(e) After three cards have been dealt to each player, the dealer shall deal the three community cards in accordance with § 667a.11 (relating to procedures for completion of each round of play). After all community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (e), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 667a.9. Procedure for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 667a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and, if the Progressive Flop Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Flop Wagers. If any Progressive Flop Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Flop Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) After all players have placed their Ante, Pot, Three Card Bonus and Progressive Flop Wagers, the dealer shall collect each player's Pot Wager and place it in the center of the table in the area designated for the placement of the Pot Wagers.

(d) The dealer shall then, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance



with § 667a.7(d)(1) (relating to wagers) until each player who placed the required wagers has three cards. To deal each card, the dealer shall hold the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(e) After three cards have been dealt to each player, the dealer shall deal the three community cards in accordance with § 667a.11 (relating to procedures for completion of each round of play). After all community cards have been dealt, the dealer shall, except as provided in subsection (e), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 667a.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 667a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets" and, if the Progressive Flop Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Flop Wagers. If any Progressive Flop Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Flop Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) After all players have placed their Ante, Pot, Three Card Bonus and Progressive Flop Wagers, the dealer shall collect each player's Pot Wager and place it in the center of the table in the area designated for the placement of the Pot Wagers.

(c) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed the required wagers in accordance with § 667a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a required wager in accordance with § 667a.7(d)(1). The dealer shall then deliver a stack of three cards face down under a cover card to the area designated for the placement of the three community cards.

(d) After each stack of three cards has been dispensed and delivered in accordance with subsection (c), the dealer shall remove the remaining cards from the automated dealing shoe and, except as provided in subsection (e), place the stub in the discard rack without exposing the cards.

(e) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(f) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(g) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 667a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 667a.8, § 667a.9 or § 667a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Flop Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to fold or place a Flop Wager equal to his Ante Wager. If a player folds, the dealer shall collect the Ante Wager but the player's cards shall remain on the layout. A player who folds will be eligible to win the Three Card Bonus and Progressive Flop Wagers in accordance with subsection (d) and the Pot in accordance with subsection (e).

(c) Unless the certificate holder is utilizing an automated dealing shoe that dispenses the stack of community cards, once all players have either placed a Flop Wager or folded, the dealer shall burn the next card. The dealer shall then deal the flop face up to the designated area for the community cards.

(d) After the three community cards have been revealed, the dealer shall, beginning with the player farthest to the dealer's right and moving counterclockwise around the table, turn the three cards of each player face up on the layout. The dealer shall then settle the Ante, Flop, Three Card Bonus and Progressive Flop Wagers as follows provided that the Ante, Flop, Progressive Flop and Three Card Bonus Wagers of each player shall be resolved one player at a time regardless of outcome:

(1) For each player who placed a Three Card Bonus Wager, the dealer shall form the highest ranking three-card Poker hand as described in § 667a.6(d) (relating to Flop Poker rankings) from the three cards dealt to each player. If the player's hand contains a pair or better, the dealer shall pay the winning wager in accordance with § 667a.12(c) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

(2) The dealer shall then select five cards from the player's three cards and two of the community cards to form the highest ranking five-card Poker hand. If the player's five-card Poker hand contains a pair of jacks or better, the dealer shall pay the winning Ante and Flop Wagers in accordance with § 667a.12(a) and (b). If a player placed a Progressive Flop Wager and the player's five-card Poker hand contains a flush or better, the dealer shall:

- (i) Verify that the hand is a winning hand.
- (ii) Verify that the appropriate light on the progressive table game system has been illuminated.
- (iii) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.
- (iv) Pay the winning Progressive Flop Wager in accordance with the payout odds in § 667a.12(d). If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(e) After settling each player's Ante, Flop, Three Card Bonus and Progressive Flop Wagers, the dealer shall settle the Pot Wager by determining which player's five-card Poker hand ranks the highest. The player with the highest ranking five-card Poker hand shall be paid the entire Pot amount. If there is a tie hand, the player with the next highest card shall be awarded the entire Pot amount. If there is a tie hand and players have identical hands, the Pot shall be split evenly between the winning players.

(f) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 667a.12. Payout odds; Envy Bonus; rate of progression; payout limitation.**

(a) A certificate holder shall pay each winning Ante Wager at odds of 1 to 1.

(b) A certificate holder shall pay the player's winning Flop Wager in accordance with the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	1,000 to 1
Straight flush	500 to 1
Four-of-a-kind	100 to 1
Full house	30 to 1
Flush	20 to 1
Straight	10 to 1
Three-of-a-kind	4 to 1
Two pair	2 to 1
A pair of jacks, queens, kings or aces	1 to 1

(c) A winning Three Card Bonus Wager shall be paid at the following odds:

<i>Hand</i>	<i>Payout</i>
Royal	100 to 1
Straight flush	50 to 1
Three-of-a-kind	25 to 1
Straight	6 to 1
Flush	3 to 1
A pair	1 to 1

(d) For Progressive Flop Wagers:

(1) Winning Progressive Flop Wagers shall be paid at the odds in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Royal flush	100% of meter	100% of meter
Straight flush	5% of meter	5% of meter
Four-of-a-kind	250 for 1	250 for 1
Full house	30 for 1	50 for 1
Flush	20 for 1	25 for 1

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed.

(3) The rate of progression for the meter used for the progressive payout in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amount must also be in the certificate holder's Rules Submission and may not be less than \$10,000.

(4) Winning Progressive Flop Wagers shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 667a.11(d)(2) (relating to procedures for completion of each round of play).

**§ 667a.13. Irregularities.**

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(e) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(f) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe

shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

## CHAPTER 668a. PROPS & HOPS

Sec.

- 668a.1. Props & Hops table; physical characteristics.
- 668a.2. Wagers.
- 668a.3. Dice; shaker; procedure for completion of each round of play.
- 668a.4. Payout odds.

### § 668a.1. Props & Hops table; physical characteristics.

(a) Props & Hops shall be played at a table having betting positions for six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Props & Hops table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Areas that depict all wagers authorized under § 668a.2 (relating to wagers).
- (3) A separate circle located to the right of the dealer for the placement of the shaker.
- (4) A player position diagram demonstrating the proper placement of each player's wagers.
- (5) If offering the Six Eight Shake Wager, the requirements to win and the provision that player's may take down the wager at any time prior to a 7 being rolled.

(6) The payout odds, in accordance with § 668a.4 (relating to payout odds), for all permissible wagers offered by the certificate holder. If the payout odds are not on the layout, a sign identifying the payout odds shall be posted at each Props & Hops table.

(c) Each Props & Hops table must have a drop box with a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).

### § 668a.2. Wagers.

- (a) Wagers shall be made before the dice are shaken.
- (b) Wagers shall be made by placing value chips or plaques on the appropriate areas of the layout. Verbal wagers accompanied by cash may not be accepted.
- (c) Only players who are seated at a Props & Hops table may place a wager at the game. Once a player has placed a wager, that player shall remain seated until the completion of the round of play.
- (d) The following Double Wagers are authorized in the game of Props & Hops:

(1) A Two the Hardway Bet placed in a box which shows two dice, each of which displays a value of 1. A Two the Hardway Bet shall win if a total of 2 is thrown on the next roll and shall lose if any other combination is thrown.

(2) A Four the Hardway Bet placed in a box which shows two dice, each of which displays a value of 2. A Four the Hardway Bet shall win if a total of 4 is thrown

on the next roll with a 2 appearing on each die and shall lose if any other combination is thrown.

(3) A Six the Hardway Bet placed in a box which shows two dice, each of which displays a value of 3. A Six the Hardway Bet shall win if a total of 6 is thrown on the next roll with a 3 appearing on each die and shall lose if any other combination is thrown.

(4) An Eight the Hardway Bet placed in a box which shows two dice, each of which displays a value of 4. An Eight the Hardway Bet shall win if a total of 8 is thrown on the next roll with a 4 appearing on each die and shall lose if any other combination is thrown.

(5) A Ten the Hardway Bet placed in a box which shows two dice, each of which displays a value of 5. A Ten the Hardway Bet shall win if a total of 10 is thrown on the next roll with a 5 appearing on each die and shall lose if any other combination is thrown.

(6) A Twelve the Hardway Bet placed in a box which shows two dice, each of which displays a value of 6. A Twelve the Hardway Bet shall win if a total of 12 is thrown on the next roll and shall lose if any other combination is thrown.

(e) The following Any Number Wagers are authorized in the game of Props & Hops:

(1) A One-Two Bet placed in a box which shows two dice, one of which displays a value of 1 and the other displays a value of 2. A One-Two Bet shall win if a total of 3 is thrown on the next roll and shall lose if any other combination is thrown.

(2) A One-Three Bet placed in a box which shows two dice, one of which displays a value of 1 and the other displays a value of 3. A One-Three Bet shall win if on the next roll a total of 4 is thrown with a 1 appearing on one die and a 3 appearing on the other die and shall lose if any other combination is thrown.

(3) A One-Four Bet placed in a box which shows two dice, one of which displays a value of 1 and the other displays a value of 4. A One-Four Bet shall win if on the next roll a total of 5 is thrown with a 1 appearing on one die and a 4 appearing on the other die and shall lose if any other combination is thrown.

(4) A One-Five Bet placed in a box which shows two dice, one of which displays a value of 1 and the other displays a value of 5. A One-Five Bet shall win if on the next roll a total of 6 is thrown with a 1 appearing on one die and a 5 appearing on the other die and shall lose if any other combination is thrown.

(5) A One-Six Bet placed in a box which shows two dice, one of which displays a value of 1 and the other displays a value of 6. A One-Six Bet shall win if on the next roll a total of 7 is thrown with a 1 appearing on one die and a 6 appearing on the other die and shall lose if any other combination is thrown.

(6) A Two-Three Bet placed in a box which shows two dice, one of which displays a value of 2 and the other displays a value of 3. A Two-Three Bet shall win if on the next roll a total of 5 is thrown with a 2 appearing on one die and a 3 appearing on the other die and shall lose if any other combination is thrown.

(7) A Two-Four Bet placed in a box which shows two dice, one of which displays a value of 2 and the other displays a value of 4. A Two-Four Bet shall win if on the next roll a total of 6 is thrown with a 2 appearing on one



die and a 4 appearing on the other die and shall lose if any other combination is thrown.

(8) A Two-Five Bet placed in a box which shows two dice, one of which displays a value of 2 and the other displays a value of 5. A Two-Five Bet shall win if on the next roll a total of 7 is thrown with a 2 appearing on one die and a 5 appearing on the other die and shall lose if any other combination is thrown.

(9) A Two-Six Bet placed in a box which shows two dice, one of which displays a value of 2 and the other displays a value of 6. A Two-Six Bet shall win if on the next roll a total of 8 is thrown with a 2 appearing on one die and a 6 appearing on the other die and shall lose if any other combination is thrown.

(10) A Three-Four Bet placed in a box which shows two dice, one of which displays a value of 3 and the other displays a value of 4. A Three-Four Bet shall win if on the next roll a total of 7 is thrown with a 3 appearing on one die and a 4 appearing on the other die and shall lose if any other combination is thrown.

(11) A Three-Five Bet placed in a box which shows two dice, one of which displays a value of 3 and the other displays a value of 5. A Three-Five Bet shall win if on the next roll a total of 8 is thrown with a 3 appearing on one die and a 5 appearing on the other die and shall lose if any other combination is thrown.

(12) A Three-Six Bet placed in a box which shows two dice, one of which displays a value of 3 and the other displays a value of 6. A Three-Six Bet shall win if on the next roll a total of 9 is thrown with a 3 appearing on one die and a 6 appearing on the other die and shall lose if any other combination is thrown.

(13) A Four-Five Bet placed in a box which shows two dice, one of which displays a value of 4 and the other displays a value of 5. A Four-Five Bet shall win if on the next roll a total of 9 is thrown with a 4 appearing on one die and a 5 appearing on the other die and shall lose if any other combination is thrown.

(14) A Four-Six Bet placed in a box which shows two dice, one of which displays a value of 4 and the other displays a value of 6. A Four-Six Bet shall win if on the next roll a total of 10 is thrown with a 4 appearing on one die and a 6 appearing on the other die and shall lose if any other combination is thrown.

(15) A Five-Six Bet placed in a box which shows two dice, one of which displays a value of 5 and the other displays a value of 6. A Five-Six Bet shall win if on the next roll a total of 11 is thrown with a 5 appearing on one die and a 6 appearing on the other die and shall lose if any other combination is thrown.

(f) The following additional wagers are authorized in the game of Props & Hops:

(1) A Field Wager placed in a Field box which shows the numbers 2, 3, 4, 9, 10, 11 and 12 with the 2 and the 12 circled. A Field Bet shall win if on the next roll the combined total of the dice equals a 2, 3, 4, 9, 10, 11 or 12 and lose if any other combination is thrown.

(2) A Hop the Top Wager in the Hop the Top box which shall win if any of the combinations of dice in the top row of the layout are rolled.

(3) A Hop the Left Wager in the Hop the Left box which shall win if any combinations of dice on the left side of the layout are rolled.

(4) A Hop the Right Wager in the Hop the Right box which shall win if any combinations of dice on the right side of the layout are rolled.

(5) A Hop the Center Wager in the Hop the Center box which shall win if any combinations of dice on the center of the layout are rolled.

(6) A 1-6 and Under Wager in the box which shows two dice, one of which displays a value of 1 and the other displays a value of 6, and Under. This wager shall win if the 1-6 is rolled or any other combination of the two dice whose total is under seven.

(7) A 3-4 and Over Wager in the box which shows two dice, one of which displays a value of 3 and the other displays a value of 4, and Over. This wager shall win if the 3-4 is rolled or any other combination of the two dice whose total is greater than seven.

(8) A Six Eight Shake Wager in the circles at the top of the table layout. This wager shall win if each combination of six (a 1-5, 2-4 and 3-3) and each combination of eight (2-6, 3-5 and 4-4) is thrown before a seven. A player may remove this wager at any time prior to a seven being rolled.

**§ 668a.3. Dice; shaker; procedure for completion of each round of play.**

(a) Props & Hops shall be played with two dice that comply with § 603a.12(b) (relating to dice; physical characteristics) and the receipt and inspection requirements in § 603a.13 (relating to dice; receipt, storage, inspection and removal from use).

(b) Props & Hops shall be played with a dice shaker, approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), which shall be used to shake the two dice to arrive at the winning combinations. The dice shaker shall be designed and constructed to maintain the integrity of the game and must:

(1) Be capable of housing two dice that when not being shaken must be maintained in the shaker. Dice that have been placed in a dice shaker for use in gaming may not remain on a table for more than 24 hours.

(2) Be designed to prevent the dice from being seen while being shaken.

(3) Have the name or logo of the certificate holder imprinted or impressed thereon.

(c) The dice shaker shall be the responsibility of the dealer and may not be left unattended while at the table.

(d) A shaker and two dice shall be presented at the Props & Hops table for gaming. The floorperson, in the presence of the dealer, shall place the dice in the shaker. Prior to the commencement of play at the table and after each round of play, the dealer shall shake the covered shaker.

(e) After all players have placed their wagers, the dealer shall announce "no more bets." If any players placed a Six Eight Shake Wager, beginning with the player to the dealer's right, and continuing counterclockwise around the table, the dealer shall place the player's wager in the first designated Six Eight Shake circle on the dealer's right located at the top of the table layout. After all Six Eight Shake Wagers have been placed in the designated circles, the dealer shall then place a red lammer button on each two-dice combination of six and eight (1-5, 2-4, 3-3, 2-6, 3-5 and 4-4).



(f) The dealer shall then offer the covered dice shaker to the player farthest to the dealer's left. The player shall shake the covered shaker at least three times to cause a random mixture of the dice. Once the player has shaken the dice, the player shall return the covered shaker to the layout. If the player shaking the dice removes the lid, the shaker shall be recovered and shaken again.

(g) The dealer shall then remove the lid and place the uncovered shaker in the designated circle on the table layout. The shaker shall remain uncovered in the designated area until all wagers have been settled. If the dealer uncovers the shaker and a die falls out of the shaker, the dealer shall call a "no roll." The dice shall then be shaken again in accordance with subsection (f).

(h) The dealer shall then announce the numbers on the uppermost or skyward sides of the two dice and place a pointer marker on the corresponding area of the layout. If one die comes to rest on top of the other or if the dice do not land flat on the bottom of the shaker after being tossed, the dealer shall call a "no roll." The dice shall be shaken again in accordance with subsection (f).

(i) After a valid roll, the dealer shall then collect all losing wagers before paying out winning wagers in accordance with § 668a.4 (relating to payout odds) provided that if any player placed Six Eight Shake Wager and if the number rolled corresponds to one of the boxes on the table layout that contains a lammer button, the dealer shall remove the lammer button and place it in the Six Eight Shake circle on the table layout furthest to the dealer's right. Each time one of the preselected numbers containing a lammer is rolled, the lammer will be collected and placed on the Six Eight Shake circle next to the previous lammer. If there is a wager in the Six Eight Shake circle, the lammer shall be placed on top of the wager. If all six combinations of dice are thrown and all six lammer buttons are placed on the designated Six Eight Shake circles before a seven is thrown, the dealer shall pay each winning Six Eight Shake Wager in accordance with § 668a.4.

(j) After all losing wagers have been collected and all winning wagers have been paid, the dealer shall cover and shake the shaker.

(k) The same player who shook the dice shall continue to shake the dice during each subsequent round of play until the player shakes a 7. Once the total of the dice is a 7, the dice shaker will be passed to the next player to the left at the next round of play.

#### § 668a.4. Payout odds.

The certificate holder shall pay out winning Props & Hops wagers as follows:

<i>Wager</i>	<i>Payout Odds</i>
Double Wager	30 to 1
Any Number Wager	15 to 1
Field Wager:	
2 or 12 is rolled	2 to 1
3, 4, 9, 10 or 11 is rolled	1 to 1
Hop the Top	3 to 2
Hop the Left	2 to 1
Hop the Right	2 to 1
Hop the Center	3 to 2
1-6 and Under	1 to 1
3-4 and Over	1 to 1
Six-Eight Shake	150 to 1

### CHAPTER 669a. RAISE IT UP STUD POKER

Sec.	
669a.1.	Definitions.
669a.2.	Raise It Up Stud Poker table physical characteristics.
669a.3.	Cards; number of decks.
669a.4.	Opening of the table for gaming.
669a.5.	Shuffle and cut of the cards.
669a.6.	Raise It Up Stud Poker hand rankings.
669a.7.	Wagers.
669a.8.	Procedure for dealing the cards from a manual dealing shoe.
669a.9.	Procedure for dealing the cards from the hand.
669a.10.	Procedures for dealing the cards from an automated dealing shoe.
669a.11.	Procedures for completion of each round of play.
669a.12.	Payout odds; Envy Bonus; rate of progression.
669a.13.	Irregularities.

#### § 669a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Community card*—A card which is used by all players to form the best possible five-card Poker hand.

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Raise It Up Stud Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—A hand with a rank of an ace, king, queen straight flush as defined in § 669a.6(c) (relating to Raise It Up Stud Poker hand rankings).

*Fold*—The withdrawal of a player from a round of play by not making a Play Wager.

*Push*—A player's hand that results in neither payment on nor collection of the player's wagers.

#### § 669a.2. Raise It Up Stud Poker table physical characteristics.

(a) Raise It Up Stud Poker shall be played on a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Raise It Up Stud Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

(1) The name or logo of the certificate holder.

(2) Three separate betting areas designated for the placement of the Ante, Blind and Play Wagers for each player.

(3) Separate areas designated for the placement of the three community cards located directly in front of the table inventory container. One area must be inscribed 4th Street, a second area inscribed 5th Street and a third area inscribed 6th Street.

(4) If the certificate holder offers the optional Progressive Payout Wager authorized under § 669a.7(d)(4) (relating to wagers), a separate area designated for the placement of the Progressive Payout Wager for each player.

(5) If the certificate holder offers the optional Six Card Bonus Wager authorized under § 669a.7(d)(5), a separate area designated for the placement of the Six Card Bonus Wager for each player.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers and the rules governing the required amount of the Play Wager as a multiple of the player's Ante Wager. If the information is

not inscribed on the layout, a sign that sets forth the required information must be posted at each Raise It Up Stud Poker table.

(c) If a certificate holder offers the Progressive Payout Wager, in accordance with § 669a.7(d)(4), the Raise It Up Stud Poker table must have a progressive table game system, in accordance with § 605a.7 (relating to progressive table games), for the placement of Progressive Payout Wagers. The progressive table game system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table including a mechanism, such as a lock-out button, that prevents the recognition of a Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) Each Raise It Up Stud Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(e) Each Raise It Up Stud Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

#### **§ 669a.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Raise It Up Stud Poker shall be played with one deck of cards and one cover card.

(b) If an automated card shuffling device is utilized, Raise It Up Stud Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks are continually alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Raise It Up Stud Poker shall be changed at least every:

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

#### **§ 669a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by

the first player to arrive at the table. The cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 669a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

#### **§ 669a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated card shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 669a.8, § 669a.9 or § 669a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for the commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Raise It Up Stud Poker table that is open for gaming, the cards shall be

removed from the dealing shoe and the discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player is afforded an opportunity to visually inspect the cards, the procedures in § 669a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (d)—(f) do not apply.

#### **§ 669a.6. Raise It Up Stud Poker hand rankings.**

(a) The rank of the cards used in Raise It Up Stud Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example: king, queen, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible five-card Poker hands in the game of Raise It Up Stud Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(8) Two pairs, which is a hand consisting of two pairs.

(9) One pair, which is a hand consisting of two cards of the same rank.

(c) For purposes of the Pair Plus Wager authorized under § 669a.7(d)(3) (relating to wagers) and the Progressive Payout Wager authorized under § 669a.7(d)(4), the permissible three-card Poker hands must be:

(1) A straight flush, which is three cards of the same suit in consecutive rank.

(2) A three-of-a-kind, which is three cards of the same rank.

(3) A straight, which is three cards of consecutive rank.

(4) A flush, which is three cards of the same suit.

(5) A pair, which is two cards of the same rank.

#### **§ 669a.7. Wagers.**

(a) Wagers at Raise It Up Stud Poker shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate betting areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at the Raise It Up Stud Poker table may place a wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All Ante, Blind, Pair Plus, Progressive Payout and Six Card Bonus Wagers shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedure in § 669a.8, § 669a.9 or § 669a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 669a.11(b), (d) and (f) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer announces “no more bets” and begins dealing the cards.

(d) The following wagers may be placed in the game of Raise It Up Stud Poker:

(1) To participate in a round of play, a player shall place an Ante Wager and a Blind Wager, equal to the player's Ante Wager, that the three cards dealt to the player and the three community cards will form a pair of 10s or better as described in § 669a.6(b) (relating to Raise It Up Stud Poker hand rankings).

(2) In accordance with § 669a.11(b), (d) and (f), a Play Wager that the three cards dealt to the player and the three community cards will form a pair of 10s or better as described in § 669a.6(b).

(3) A Pair Plus Wager that the three cards dealt to the player will form a pair or better as described in § 669a.6(c).

(4) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player at a Raise It Up Stud Poker table the option to make an additional Progressive Payout Wager that the three cards dealt to the player will form a pair or better as described in § 669a.6(c). After placing Ante and Blind Wagers, a player may make an additional Progressive Payout Wager by placing a value chip into the progressive wagering device designated for that player. Each player shall be responsible for verifying that the player's respective Progressive Payout Wager has been accepted.

(5) If specified in its Rules Submission under § 601a.2, a certificate holder may offer to each player at a Raise It Up Stud Poker table the option to make an additional Six Card Bonus Wager that the three cards dealt to the player and the three community cards will form a three-of-a-kind or better as described in § 669a.6(b).

(e) A player may not wager on more than one player position at a Raise It Up Stud Poker table.

#### **§ 669a.8. Procedure for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 669a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by the automated card shuffling device.



(b) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of additional Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards, face down, as follows:

(1) Deal one card at a time to each player who placed Ante and Blind Wagers in accordance with § 669a.7(d)(1) (relating to wagers) until each player who placed a wager has three cards.

(2) Three cards to the area designated for the placement of the community cards.

(e) After three cards have been dealt to each player and three cards have been dealt to the area designated for the community cards, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designated for the placement of the community cards has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

#### **§ 669a.9. Procedure for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 669a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that

round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing the cards, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall then collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards, face down, as follows:

(1) Deal one card at a time to each player who placed Ante and Blind Wagers in accordance with § 669a.7(d)(1) (relating to wagers) until each player who placed a wager has three cards.

(2) Three cards to the area designated for the placement of the community cards.

(c) After three cards have been dealt to each player and three cards have been dealt to the area designated for the community cards, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designated for the placement of the community cards has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

#### **§ 669a.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 669a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the dealing shoe dispensing any stacks, the dealer shall announce "no more bets" and, if the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of additional



Progressive Payout Wagers. The dealer shall then collect any Progressive Payout Wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deliver the first stack of three cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed Ante and Blind Wagers in accordance with § 669a.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed Ante and Blind Wagers. The dealer shall then deliver a stack of three cards face down to the area designated for the placement of the three community cards.

(c) After each stack of three cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device that counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine that the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 3 cards or the area designated for the placement of the community cards has more or less than 3 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 669a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 669a.8, § 669a.9 or § 669a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards, subject to the following limitations:

(1) Each player who wagers at Raise It Up Stud Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(3) A player may not exchange or communicate information regarding his hand prior to the dealer revealing all of the community cards. A violation shall result in a forfeiture of all wagers on that round by that person.

(b) After each player has examined his cards and replaced them face down on the layout, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player who placed an Ante Wager if he wishes to check or place a Play Wager in an amount equal to one, two or three times the amount of the player's Ante Wager.

(c) Once all players have either checked or placed a Play Wager, the dealer shall turn over and reveal the first community card and place it in the 4th Street box on the layout.

(d) Each player shall then either check or place a Play Wager in an amount equal to one or two times the amount of the player's Ante Wager.

(e) Once all remaining players have either checked or placed a Play Wager, the dealer shall turn over and reveal the second community card and place it in the 5th Street box on the layout.

(f) Each player shall then either place a Play Wager in an amount equal to the amount of the player's Ante Wager or fold. If a player folds, the Ante and Blind Wagers shall be immediately collected and placed in the table inventory container and the folded hand shall be collected and placed in the discard rack unless the player made a Progressive Payout or Six Card Bonus Wager in which case the cards shall be left on the table until the Six Card Bonus Wager and any Envy Bonus is settled in accordance with subsection (i).

(g) If a player has placed a Progressive Payout or Six Card Bonus Wager but does not make a Play Wager, the player shall forfeit the right to receive a Progressive Payout but does not forfeit the eligibility to receive an Envy Bonus under § 669a.12(e)(5) (relating to payout odds; Envy Bonus; rate of progression) or a Six Card Bonus payout under § 669a.12(f).

(h) Once all remaining players have either placed a Play Wager or folded, the dealer shall turn over and reveal the third community card and place it in the 6th Street box on the layout.

(i) Beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, the dealer shall turn over and reveal the player's three cards and complete the following applicable procedures in succession for each player:

(1) If a player placed a Pair Plus Wager, the dealer shall form the highest possible ranking three-card hand. If the player's three cards form a pair or better, as described in § 669a.6(c) (relating to Raise It Up Stud Poker hand rankings), the dealer shall pay each winning Pairs Plus Wager in accordance with the payout odds in § 669a.12(a).

(2) The dealer shall form the highest possible ranking five-card hand from the player's three cards and the three community cards. If a player's highest ranking five-card hand:

(i) Does not contain a pair of 10s or better, as described in § 669a.6(b), the dealer shall collect the player's Ante, Blind and Play Wagers.

(ii) Contains a pair of 10s or better, as described in § 669a.6(b), the dealer shall pay each player's winning Ante, Play and Blind Wagers in accordance with § 669a.12(b)—(d).

(3) After settling the player's Pair Plus, Ante, Play and Blind Wagers, the dealer shall settle the Progressive Payout or Six Card Bonus Wager, if offered by the certificate holder, as follows:

(i) If a player placed a Progressive Payout Wager and the player's three cards contain a straight or better, the dealer shall:

(A) Verify that the hand is a winning hand.

(B) Verify that the appropriate light on the progressive table game system has been illuminated.

(C) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(D) Pay the winning Progressive Payout Wager in accordance with § 669a.12(e)(1). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the

table inventory container, the cards of that player shall remain on the table until the necessary documentation has been completed.

(E) Pay any Envy Bonus won in accordance with § 669a.12(e)(5). Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Raise It Up Stud Poker table is the holder of an Envy Bonus Qualifying Hand. Players are entitled to multiple Envy Bonuses if more than one player is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand.

(ii) If a player has placed a Six Card Bonus Wager and the player's three cards and the three community cards form a three-of-a-kind or better, the dealer shall pay the winning Six Card Bonus Wager in accordance with § 669a.12(f).

(j) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 669a.12. Payout odds; Envy Bonus; rate of progression.**

(a) A player placing a Pair Plus Wager shall be paid at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>	<i>Paytable D</i>
Straight flush	40 to 1	40 to 1	40 to 1	40 to 1
Three-of-a-kind	30 to 1	25 to 1	30 to 1	30 to 1
Straight	6 to 1	6 to 1	5 to 1	6 to 1
Flush	4 to 1	4 to 1	4 to 1	3 to 1
Pair	1 to 1	1 to 1	1 to 1	1 to 1

(b) A certificate holder shall pay each winning Ante Wager at odds of 1 to 1.

(c) A certificate holder shall pay each winning Play Wager in accordance with the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	100 to 1
Straight flush	20 to 1
Four-of-a-kind	10 to 1
Full house	6 to 1
Flush	5 to 1
Straight	4 to 1
Three-of-a-kind	3 to 1
Two pair	3 to 2
Pair of 10s or better	1 to 1

(d) A certificate holder shall pay each winning Blind Wager in accordance with the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	1,000 to 1
Straight flush	200 to 1
Four-of-a-kind	30 to 1
Full house	4 to 1
Flush	3 to 1
Straight	2 to 1
Three-of-a-kind	1 to 1
Two pair	Push
Pair of 10s or better	Push

(e) If a certificate holder offers the Progressive Payout Wager:

(1) The certificate holder shall pay each winning Progressive Payout Wager in accordance with the following odds:

<i>Hand</i>	<i>Payout</i>
Ace, king and queen of spades	100% of meter
Ace, king and queen of hearts, diamonds or clubs	500 for 1
Straight flush	70 for 1
Three-of-a-kind	60 for 1
Straight	6 for 1

(2) A player shall receive the payout for only the highest ranking hand formed from the player's three cards and the three community cards.

(3) The rate of progression for the meter used for the progressive payouts in paragraph (1) must be in the certificate holder's Rules Submission filed in accordance with § 601a.2 and be at least 14%. The initial and reset amount must also be in the certificate holder's Rules Submission and must be at least \$1,000.

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with § 669a.11(i)(3)(i) (relating to procedures for completion of each round of play).

(5) Envy Bonus payouts shall be made according to the following payout schedules for every Envy Bonus Qualifying Hand based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Ace, king and queen of spades	\$100
Ace, king and queen of hearts, diamonds or clubs	\$25

<i>Hand</i>	<i>Paytable A</i>
Royal flush	1,000 to 1
Straight flush	200 to 1
Four-of-a-kind	50 to 1
Full house	25 to 1
Flush	20 to 1
Straight	10 to 1
Three-of-a-kind	5 to 1

**§ 669a.13. Irregularities.**

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the community cards are exposed prior to the dealer revealing the community cards in accordance with § 669a.11(c), (e) and (h) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Ace, king and queen of spades	\$500
Ace, king and queen of hearts, diamonds or clubs	\$125

(f) A certificate holder shall pay each winning Six Card Bonus Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Paytable B</i>	<i>Paytable C</i>	<i>Paytable D</i>
1,000 to 1	1,000 to 1	1,000 to 1
200 to 1	200 to 1	200 to 1
50 to 1	100 to 1	100 to 1
25 to 1	20 to 1	20 to 1
15 to 1	15 to 1	15 to 1
10 to 1	9 to 1	10 to 1
5 to 1	8 to 1	7 to 1

**CHAPTER 670a. SIX-CARD FORTUNE  
PAI GOW POKER**

<i>Sec.</i>	
670a.1.	Definitions.
670a.2.	Six-Card Fortune Pai Gow Poker table; physical characteristics; shaker.
670a.3.	Cards; number of decks.
670a.4.	Opening of the table for gaming.
670a.5.	Shuffle and cut of the cards; procedures for determining the starting position for dealing cards.
670a.6.	Six-Card Fortune Pai Gow Poker rankings.
670a.7.	Wagers.
670a.8.	Procedures for dealing the cards from a manual dealing shoe.
670a.9.	Procedures for dealing the cards from the hand.
670a.10.	Procedures for dealing the cards from an automated dealing shoe.
670a.11.	Procedures for completion of each round of play.
670a.12.	Payout odds; Envy Bonus; rate of progression.
670a.13.	Irregularities; invalid roll of dice.

**§ 670a.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Envy Bonus*—An additional fixed sum payout made to a player who placed a Qualifying Wager when another player at the Six-Card Fortune Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand.

*Envy Bonus Qualifying Hand*—

(i) For purposes of the Fortune Bonus Wager, a player's hand with a rank of a full house or better formed from the six cards dealt to a player.

(ii) For purposes of the Progressive Payout Wager, a player's hand with a rank of a four-of-a-kind or better formed from the six cards dealt to a player.

*High hand*—The five-card hand that is formed from the six cards dealt so as to rank equal to or higher than the low hand.

*Low hand*—The one-card hand that is formed from the six cards dealt so as to rank equal to or lower than the high hand.

*Qualifying Wager*—A Fortune Bonus or Progressive Payout Wager of at least \$5 which may entitle a player to an Envy Bonus.

*Setting the hands*—The process of forming a high hand and low hand from the six cards dealt.



**§ 670a.2. Six-Card Fortune Pai Gow Poker table; physical characteristics; shaker.**

(a) Six-Card Fortune Pai Gow Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Six-Card Fortune Pai Gow Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Six-Card Fortune Pai Gow Poker Wager for each player.
- (3) Two separate areas designated for the placement of the high and low hands of each player.
- (4) Two separate areas designated for the placement of the high and low hands of the dealer.
- (5) If the certificate holder offers the Double Down Wager authorized under § 670a.7(e)(1) (relating to wagers), a separate area designated for the placement of the Double Down Wager for each player.
- (6) If the certificate holder offers the optional Fortune Bonus Wager authorized under § 670a.7(e)(2), a separate area designated for the placement of the Fortune Bonus Wager for each player.
- (7) If the certificate holder offers the optional Insurance Wager authorized under § 670a.7(e)(3), a separate area designated for the placement of the Insurance Wager for each player.
- (8) If the certificate holder offers the optional Progressive Payout Wager authorized under § 670a.7(e)(4), a separate area designated for the placement of the Progressive Payout Wager for each player.
- (9) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Six-Card Fortune Pai Gow Poker table.

(c) If the certificate holder offers the optional Progressive Payout Wager in accordance with § 670a.7(e)(4), the Six-Card Fortune Pai Gow Poker table must have a progressive table game system in accordance with § 605a.7 (relating to progressive table games) for the placement of Progressive Payout Wagers. The progressive table game system must include:

- (1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager.
- (2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the placement of any Progressive Payout Wager that a player attempts to place after the dealer has announced "no more bets."

(d) To determine the starting position for the dealing or delivery of the cards, Six-Card Fortune Pai Gow Poker may be played with:

- (1) A Pai Gow Poker shaker, approved in accordance with § 601a.10(a), which shall be designed and constructed to maintain the integrity of the game. The Pai

Gow Poker shaker shall be the responsibility of the dealer, may not be left unattended while at the table and must:

(i) Be capable of housing three dice that when not being shaken must be maintained within the Pai Gow Poker shaker. Dice that have been placed in a Pai Gow Poker shaker for use in gaming may not remain on a table for more than 24 hours.

(ii) Be designed to prevent the dice from being seen while being shaken.

(iii) Have the name or logo of the certificate holder imprinted or impressed thereon.

(2) A computerized random number generator which shall be submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use.

(e) Each Six-Card Fortune Pai Gow Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(f) Each Six-Card Fortune Pai Gow Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 670a.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Six-Card Fortune Pai Gow Poker shall be played with one deck of cards that are identical in appearance and two cover cards. The deck of cards used to play Six-Card Fortune Pai Gow Poker must include one joker. A certificate holder may use decks that are manufactured with two jokers provided that only one joker is used for gaming.

(b) If an automated card shuffling device is utilized, Six-Card Fortune Pai Gow Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design but the backs of the cards in one deck must be of a different color than the cards in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Six-Card Fortune Pai Gow Poker shall be changed at least every:

- (1) Four hours if the cards are dealt by hand.
- (2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

**§ 670a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.



(b) If the deck of cards used by the certificate holder contains two jokers, the dealer and a floorperson shall ensure that only one joker is utilized and that the other joker is torn in half and placed in the box, envelope or container that the deck came from. After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence and include the one joker.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 670a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 670a.5. Shuffle and cut of the cards; procedures for determining the starting position for dealing cards.**

(a) Immediately prior to commencement of play, unless the cards were preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by the floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, determine the starting position in accordance with subsection (i), then deal the cards in accordance with § 670a.8, § 670a.9 or § 670a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually, cut the cards in accordance with the procedures in subsections (c)—(e).

(c) Upon completion of a manual shuffle, the dealer shall place the stack of cards on top of one of the cover cards. The dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to the player determined under subsection (d). If no player accepts the cut, the dealer shall cut the cards.

(d) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(e) The player or dealer making the cut shall place the second cover card in the stack at least ten cards from the top or the bottom of the deck. Once the second cover card has been inserted, the dealer shall take the second cover card and all the cards on top of the second cover card and place them on the bottom of the stack. The dealer shall then remove the first cover card and place it on the bottom of the stack. The dealer shall remove one of the cover cards and either place it in the discard rack or use it as an additional cover card to be inserted four cards from the bottom of the deck. The dealer shall then determine the starting position in accordance with subsection (i) and deal the cards in accordance with § 670a.8, § 670a.9 or § 670a.10.

(f) After the cards have been cut and before the cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards, or by the next person entitled to cut the cards, as determined under subsection (d).

(g) If there is no gaming activity at a Six-Card Fortune Pai Gow Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The deck of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the deck of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt, if the automated card shuffling device stores a single deck of shuffled cards inside the shuffler in a secure manner.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(g) do not apply.

(i) To determine the starting position for the dealing of cards, the certificate holder shall use one of the following:

(1) A Pai Gow Poker shaker in accordance with the following procedures:

(i) The dealer shall shake the Pai Gow Poker shaker at least three times to cause a random mixture of the dice.

(ii) The dealer shall then remove the lid covering the Pai Gow Poker shaker and place the uncovered shaker on the designated area of the table layout. The dealer shall then total the dice and announce the total.

(iii) To determine the starting position, the dealer shall count each betting position in order, regardless of

whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner, until the count matches the total of the three dice.

(iv) After the dealing procedures required under § 670a.8, § 670a.9 or § 670a.10 have been completed, the dealer shall place the cover on the Pai Gow Poker shaker and shake the shaker once. The Pai Gow Poker shaker shall then be placed to the right of the dealer.

(2) A computerized random number generator to select and display a number from 1 to 7. To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner until the count matches the number displayed by the random number generator.

(j) After the starting position for a round of play has been determined, a certificate holder may mark that position with an additional cover card, flat button or similar object.

**§ 670a.6. Six-Card Fortune Pai Gow Poker rankings.**

(a) The rank of the cards used in Six-Card Fortune Pai Gow Poker, in order of highest to lowest, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example: queen, king, ace, 2 and 3). The joker shall be used and ranked as an ace or may be used as any card to complete a straight or a flush.

(b) The permissible five-card high hands at the game of Six-Card Fortune Pai Gow Poker, in order of highest to lowest rank, shall be:

(1) Five aces consisting of four aces and a joker.

(2) A royal flush consisting of an ace, king, queen, jack and 10 of the same suit or a king, queen, jack and 10 of the same suit and a joker.

(3) A straight flush consisting of five cards of the same suit in consecutive ranking, with ace, 2, 3, 4 and 5 being the highest ranking straight flush; king, queen, jack, 10 and 9 being the second highest ranking straight flush; and 2, 3, 4, 5 and 6 being the lowest ranking straight flush.

(4) A four-of-a-kind consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(5) A full house consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(6) A flush consisting of five cards of the same suit. When comparing two flushes, the hand which contains the highest ranking card, as provided in subsection (a), which is not in the other hand, shall be considered the higher ranking hand.

(7) A straight consisting of five cards of consecutive rank, regardless of suit, with an ace, king, queen, jack and 10 being the highest ranking straight; an ace, 2, 3, 4 and 5 being the second highest ranking straight; and a 2, 3, 4, 5 and 6 being the lowest ranking straight.

(8) A three-of-a-kind containing three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(9) Two pair containing two pairs, with two aces and two kings being the highest ranking two pair hand and two 3s and two 2s being the lowest ranking two pair hand.

(10) A pair consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two high hands or two low hands that are of identical hand rank under subsection (b), or contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not in the other hand, shall be considered the higher ranking hand. If a player uses a joker as the low hand, the player's hand shall be considered the higher ranking hand. If the two hands are of identical rank after the application of this section, the dealer's hand shall be considered the higher ranking hand.

**§ 670a.7. Wagers.**

(a) Wagers at Six-Card Fortune Pai Gow Poker shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the Six-Card Fortune Pai Gow Poker layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Six-Card Fortune Pai Gow Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) Except the Double Down Wager, all wagers at Six-Card Fortune Pai Gow Poker shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 670a.8, § 670a.9 or § 670a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except the Double Down Wager, a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) To participate in a round of play and compete against the dealer's high and low hands, a player shall place a Six-Card Fortune Pai Gow Poker Wager.

(e) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Six-Card Fortune Pai Gow Poker Wager, in accordance with subsection (d), the option of placing the following additional wagers:

(1) A Double Down Wager equal to the Six-Card Fortune Pai Gow Poker Wager that both the player's high and low hands will beat the dealer's high and low hands.

(2) A Fortune Bonus Wager that the six cards dealt to the player will form a five-card Poker hand with a rank of a three-of-a-kind or better as described in § 670a.6(b) (relating to Six-Card Fortune Pai Gow Poker rankings).

(3) An Insurance Wager that the six cards dealt to the player will form a five-card Poker hand with a rank of a king-high or less.

(4) A Progressive Payout Wager that the six cards dealt to the player will form a five-card Poker hand with a rank of a straight or better as described in § 670a.6(b).

(f) If specified in its Rules Submission under § 601a.2, a certificate holder may permit a player to wager on two

adjacent betting areas at a Six-Card Fortune Pai Gow Poker table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

**§ 670a.8. Procedures for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 670a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and:

(1) If the Fortune Bonus Wager or Progressive Payout Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

(2) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(c) The dealer shall determine the starting position for dealing the cards using one of the procedures authorized under § 670a.5(i).

(d) The dealer shall then deal the first card to the starting position as determined in subsection (c) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has six cards. Each card dealt shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed face down on the appropriate area of the layout with the opposite hand.

(e) After 6 cards have been dealt to each position and the dealer, the dealer shall remove the stub from the manual dealing shoe and determine whether 11 cards are left by spreading them face down on the layout. The cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(f) If more or less than 11 cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than 6 cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(g) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

**§ 670a.9. Procedures for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer’s hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 670a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the dealer shall place the deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand when holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets” and:

(i) If the Fortune Bonus or Progressive Payout Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall then determine the starting position for dealing the cards using one of the procedures authorized under § 670a.5(i).

(c) The dealer shall then deal the first card to the starting position as determined in subsection (b) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has six cards.

(d) After 6 cards have been dealt to each position and the dealer, the dealer shall determine whether 11 cards are left by spreading them face down on the layout. The 11 cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than 11 cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than 6 cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.



**§ 670a.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures under § 670a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets” and:

(i) If the Fortune Bonus or Progressive Payout Wager is being offered and a player makes a Qualifying Wager, the dealer shall place an Envy lammer next to that player’s wager.

(ii) If the Progressive Payout Wager is being offered, the dealer shall use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers. If any Progressive Payout Wagers have been made, the dealer shall collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system. The dealer shall then place the value chips into the table inventory container.

(b) The dealer shall determine the starting position for delivering the stacks of cards using one of the procedures authorized under § 670a.5(i).

(c) After the starting position for delivering the cards has been determined, the dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to that position. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other positions, regardless of whether there is a wager at the position, and the dealer.

(d) After 6 cards have been dispensed and delivered to each position and the dealer, the dealer shall remove the remaining cards from the shoe and determine whether 11 cards are left by spreading them face down on the layout. The 11 cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than 11 cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than 6 cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

**§ 670a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 670a.8, § 670a.9 or § 670a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at a Six-Card Fortune Pai Gow Poker table shall be responsible for setting his own hands and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player. If a player requests assistance in the setting of his hands, the dealer shall inform the player of the manner in which the certificate holder requires the hands to be set.

(2) Each player shall keep his six cards in full view of the dealer at all times.

(3) Once each player has set a high and low hand and placed the two hands face down on the appropriate area of the layout, the player may not touch the cards again.

(b) Each player shall set his hands by arranging the cards into a high hand and a low hand. When setting the two hands, the five-card high hand must be equal to or higher in rank than the one-card low hand.

(c) After all players have examined their cards, the dealer shall offer each player the option to place an additional Double Down Wager equal to the player’s Six-Card Fortune Pai Gow Poker Wager.

(d) After all players have set their hands and placed the cards on the table, the six cards of the dealer shall be turned over and the dealer shall arrange his cards into a high and low hand in accordance with the following requirements:

(1) The dealer may not break any sets as described in § 670a.6(b) (relating to Six-Card Fortune Pai Gow Poker rankings) to play a higher card in the dealer’s low hand. Once the dealer has played the set, the dealer shall use the highest-ranking card in his low hand. Notwithstanding the following requirements:

(i) If the dealer has two three-of-a-kinds in his hand, the dealer shall play the lower ranking set as the three-of-a-kind and the higher one as a pair to play the higher card in the low hand.

(ii) If the dealer has three pairs, the dealer shall play the two lower ranking pairs as the high hand and the highest ranking card of the third pair as the low hand.

(2) If the dealer has a Six-Card Fortune straight, Six-Card Fortune flush or a Six-Card Fortune straight flush, the dealer shall play the lowest possible straight, flush or straight flush and place the highest ranking card in the low hand.

(3) If the dealer has both a straight and a flush, the dealer shall set the flush as the dealer’s high hand.

(4) If the dealer has both a straight and a straight flush, the dealer shall set the straight flush as the dealer’s high hand.

(5) If the dealer has both a Six-Card Fortune flush and a straight flush, the dealer shall play the straight flush as the high hand and the remaining card as the dealer’s low hand.

(6) If the dealer does not have pairs, straights or flushes, the dealer shall play the highest ranking card, in accordance with § 670a.6(a), in the dealer’s high hand, the second highest ranking card as the dealer’s low hand and the remaining four cards in the dealer’s high hand.

(e) After the dealer has set a high hand and a low hand, the dealer shall reveal both hands of each player, beginning with the player farthest to the dealer’s right and continuing around the table in a counterclockwise direction. The dealer shall compare the high and low hand of each player to the high and low hand of the



dealer and shall announce if the Six-Card Fortune Pai Gow Poker Wager of that player wins, loses or is a tie.

(f) A Six-Card Fortune Pai Gow Poker Wager will:

(1) Lose and will immediately be collected if:

(i) The high hand of the player is lower in rank than the high hand of the dealer and the low hand of the player is lower in rank than the low hand of the dealer.

(ii) The high hand of the player is lower in rank than the high hand of the dealer and the low hand of the player is identical in rank to the low hand of the dealer.

(iii) The high hand of the player is identical in rank to the high hand of the dealer and the low hand of the player is lower in rank than the low hand of the dealer.

(iv) The high and low hands of the player are identical in rank to the high and low hands of the dealer.

(v) The high hand of the player was not set so as to rank equal to or higher than the low hand of that player.

(2) Tie and will be returned to the player if:

(i) The high hand of the player is higher in rank than the high hand of the dealer, but the low hand of the player is lower in rank than the low hand of the dealer.

(ii) The high hand of the player is lower in rank than the high hand of the dealer, but the low hand of the player is a joker or is higher in rank than the low hand of the dealer.

(3) Win if the high hand of the player is higher in rank than the high hand of the dealer and the low hand of the player is a joker or is higher in rank than the low hand of the dealer. The dealer shall pay the winning Six-Card Fortune Pai Gow Poker Wager in accordance with the payout odds in § 670a.12(a) (relating to payout odds; Envy Bonus; rate of progression).

(g) After settling the player's Six-Card Fortune Pai Gow Poker Wager, the dealer shall settle the player's optional Double Down Wager as follows:

(1) If the dealer's hand contains a pair of eights or better, as described in § 670a.6(b), the Double Down Wager shall win, lose or tie in accordance with subsection (f).

(2) If the dealer's hand does not contain a pair of eights or better, the Double Down Wager shall be returned to the player.

(h) If a player has placed a Fortune Bonus, Insurance or Progressive Payout Wager, the dealer shall rearrange the six cards of any player who placed an optional wager to form the highest ranking hand. If any player at the table has placed a Qualifying Wager, the dealer shall rearrange the cards of all players regardless of whether the player placed a Fortune Bonus or Progressive Payout Wager. After rearranging the player's six cards, the dealer shall:

(1) Settle the player's Fortune Bonus Wager as follows:

(i) If a player:

(A) Placed a Six-Card Fortune Pai Gow Poker Wager but does not have a three-of-a-kind or higher, as described in § 670a.6(b), the dealer shall collect the Fortune Bonus Wager.

(B) Placed a Six-Card Fortune Pai Gow Poker Wager and has a three-of-a-kind or higher, the dealer shall pay the winning Fortune Bonus Wager in accordance with § 670a.12(b). If the player has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying

Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(C) Did not place a Fortune Bonus Wager but has an Envy Bonus Qualifying Hand, and another player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(ii) After all Fortune Bonus Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 670a.12(b) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Six-Card Fortune Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(2) Settle the player's Insurance Wager. If a player has a hand ranked:

(i) Better than a king-high, the dealer shall collect the Insurance Wager.

(ii) A king-high or less, the dealer shall pay the winning Insurance Wager in accordance with § 670a.12(c).

(3) Settle the player's Progressive Payout Wager as follows:

(i) If a player:

(A) Placed a Progressive Payout Wager but does not have a straight or better, as described in § 670a.6(b), the dealer shall collect the Progressive Payout Wager and place the cards of the player in the discard rack.

(B) Placed a Progressive Payout Wager and has a straight or better, the dealer shall:

(I) Verify that the hand is a winning hand.

(II) Verify that the appropriate light on the progressive table game system has been illuminated.

(III) Have a floorperson or above validate the progressive payout in accordance with the certificate holder's approved internal control procedures.

(IV) Pay the winning Progressive Payout Wager in accordance with the payout odds in § 670a.12(d)(1). If a player has won a progressive payout that is a percentage of the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory, the cards of that player shall remain on the table until the necessary documentation has been completed.

(C) Has an Envy Bonus Qualifying Hand and any player at the table placed a Qualifying Wager, the dealer shall verbally acknowledge the Envy Bonus Qualifying Hand and leave the cards of the player face up on the table.

(ii) After all Progressive Payout Wagers have been settled, if any player is the holder of an Envy Bonus Qualifying Hand, the dealer shall pay an Envy Bonus in accordance with § 670a.12(d)(4) to each player who has an Envy lammer at the player's betting position. Players are entitled to multiple Envy Bonuses when another player at the same Six-Card Fortune Pai Gow Poker table is the holder of an Envy Bonus Qualifying Hand. A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(i) The dealer shall settle all of the player's optional wagers before placing the player's cards in the discard rack.

(j) All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 670a.12. Payout odds; Envy Bonus; rate of progression.**

(a) A certificate holder shall pay each winning Six-Card Fortune Pai Gow Poker and Double Down Wager at odds of 1 to 1.

(b) The certificate holder shall pay out winning Fortune Bonus Wagers and Envy Bonus payouts at the odds and amounts in the following paytables:

*(1) Fortune Bonus Payout.*

<i>Hand</i>	<i>Payout</i>
Five aces	1,000 to 1
Royal flush	250 to 1
Straight flush	100 to 1
Four-of-a-kind	50 to 1
Full house	15 to 1
Flush	10 to 1
Straight	8 to 1
Three-of-a-kind	5 to 1

(2) *Envy Bonus Payouts.* Envy Bonus Payouts shall be made according to the following payouts for Envy Bonus Qualifying Hands based upon the amount of the Fortune Bonus Wager placed by the player receiving the Envy Bonus:

*\$1 Fortune Bonus Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Five aces	\$1,000
Royal flush	\$200
Straight flush	\$50
Four-of-a-kind	\$15
Full house	\$5

*\$5 Fortune Bonus Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Five aces	\$5,000
Royal flush	\$1,000
Straight flush	\$250
Four-of-a-kind	\$75
Full house	\$25

(c) The certificate holder shall pay out winning Insurance Wagers at the odds and amounts in the following payable:

<i>Hand</i>	<i>Payout</i>
Eight-high	100 to 1
Nine-high	30 to 1
Ten-high	10 to 1
Jack-high	7 to 1
Queen-high	4 to 1
King-high	3 to 1

(d) The certificate holder shall pay out winning Progressive Payout Wagers and Envy Bonus Payouts in accordance with the following:

(1) The certificate holder shall pay out winning Progressive Payout Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Five aces	100% of meter
Royal flush	10% of meter
Straight flush	300 for 1
Four-of-a-kind	150 for 1
Full house	15 for 1
Flush	6 for 1
Straight	3 for 1

(2) The initial and reset amount must be in the certificate holder's Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions) and be at least \$5,000.

(3) Winning Progressive Payout Wagers shall be paid the amount on the meter when it is the player's turn to be paid in accordance with § 670a.11(h)(3) (relating to procedures for completion of each round of play) irrespective of the amount that was on the meter when the player placed the wager or when the dealer dealt the player's cards.

(4) Envy Bonus Payouts shall be made according to the following payouts for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

*\$1 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Five aces	\$100
Royal flush	\$50
Straight flush	\$10
Four-of-a-kind	\$5

*\$5 Progressive Payout Wager*

<i>Hand</i>	<i>Envy Bonus</i>
Five aces	\$500
Royal flush	\$250
Straight flush	\$50
Four-of-a-kind	\$25

**§ 670a.13. Irregularities; invalid roll of dice.**

(a) If the dealer uncovers the Pai Gow Poker shaker and all three dice do not land flat on the bottom of the shaker, the dealer shall call a "no roll" and reshake the dice.

(b) If the dealer uncovers the Pai Gow Poker shaker and a die or dice fall out of the shaker, the dealer shall call a "no roll" and reshake the dice.

(c) If the dealer incorrectly totals the dice and deals the first card to the wrong position, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If the dealer exposes any of the cards dealt to a player, the player may void the hand. The player shall make the decision to either play out the hand or to void the hand without looking at the unexposed cards.

(e) If a card or cards in the dealer's hand are exposed, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(f) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(g) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(h) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(i) If the dealer does not set his hands in accordance with § 670a.11(d) (relating to procedures for completion of each round of play), the hands shall be reset in accordance with § 670a.11(d) and the round of play shall be completed.

(j) If a card is exposed while the dealer is dealing the seven stacks in accordance with § 670a.10 (relating to procedures for dealing the cards from an automated dealing shoe), all wagers shall be returned to the players and the cards shall be reshuffled.

(k) If any player position or the dealer is dealt an incorrect number of cards, all hand shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(l) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(m) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(n) If an automated shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe must be covered or have a sign indicating that the automated shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

## CHAPTER 671a. LUNAR POKER

Sec.

- 671a.1. Definitions.
- 671a.2. Lunar Poker table physical characteristics.
- 671a.3. Cards; number of decks.
- 671a.4. Opening of the table for gaming.
- 671a.5. Shuffle and cut of the cards.
- 671a.6. Lunar Poker rankings.
- 671a.7. Wagers.
- 671a.8. Procedure for dealing the cards from a manual dealing shoe.
- 671a.9. Procedure for dealing the cards from the hand.
- 671a.10. Procedures for dealing the cards from an automated dealing shoe.
- 671a.11. Procedures for completion of each round of play.
- 671a.12. Payout odds.
- 671a.13. Irregularities.

### § 671a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Bet Wager*—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

*Draw*—When a player exchanges between two and five of the cards held in his hand for an equal number of new cards from the deck or buys a sixth card.

*Fold*—The withdraw of a player from a round of play by refusing to make a Bet Wager.

*Options fee*—An additional payment made by a player to draw an additional card or cards.

*Super Wager*—An additional wager that a player shall make to play against a posted payable.

### § 671a.2. Lunar Poker table physical characteristics.

(a) Lunar Poker shall be played at a table having betting positions for no more than five players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Lunar Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Separate betting areas designated for the placement of the Ante and Bet Wagers for each player.
- (3) A separate betting area designated for the placement of the Super Wager for each player and betting areas for the placement of the Super Wager on the dealer's hand and on any other player's hand for each player.
- (4) A separate area designated for the placement of the player's Options fees for each player. The Options area must be inscribed with the following:
  - (i) Exchange 2-5 cards.
  - (ii) Buy a 6th Card.
- (5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Lunar Poker table.
- (6) Inscriptions that advise patrons of the following:
  - (i) Dealer plays with an ace-king or higher.
  - (ii) Instant payout for a royal flush or straight flush on the first five cards dealt to the player.

(7) If the information in paragraph (6) is not on the layout, a sign which sets forth the required information shall be posted at each Lunar Poker table.

(c) Each Lunar Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Lunar Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 671a.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Lunar Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Lunar Poker may be played with two decks of cards in accordance with the following requirements:



(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Lunar Poker shall be changed at least every:

(1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

#### **§ 671a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 671a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

#### **§ 671a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 671a.8, § 671a.9 or § 671a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were preshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Lunar Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 671a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (d)—(f) do not apply.

#### **§ 671a.6. Lunar Poker rankings.**

(a) The rank of the cards used in Lunar Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a 2, 3 and 4 but may not be combined with any other sequence of cards (for example: king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible Poker hands in the game of Lunar Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest ranking straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.



(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) Two pairs, which is a hand consisting of two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(9) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(10) An ace-king, which is a hand consisting of an ace and a king.

(c) When comparing two Poker hands that are of identical rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not in the other hand, shall be considered the higher ranking hand. If the hands are of equal rank after the application of this section, the hands shall be considered a tie.

(d) For the Super Wager, the five-card Poker hands eligible for a payout are:

(1) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(2) A five picture cards, which is a hand consisting of five cards of any combination of only kings, queens or jacks.

(3) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(4) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order.

(5) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank.

(6) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(7) An ace-king-queen, which is a hand consisting of an ace, king and queen in any suit.

(8) Same colored five, which is a hand consisting of five cards of the same color.

#### **§ 671a.7. Wagers.**

(a) Wagers at Lunar Poker shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Lunar Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player

leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) The following wagers may be placed in the game of Lunar Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing both an Ante Wager, then a Bet Wager in accordance with § 671a.11(b) or (d) (relating to procedures for completion of each round of play).

(2) In addition to the Ante and Bet Wagers, a player shall place a Super Wager on the player's hand equal to or greater than the player's Ante Wager to compete against a posted payable.

(3) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player at a Lunar Poker table the option to make an additional Super Wager on the dealer's hand and any other player's hand. After placing an Ante Wager, a player may make the additional Super Wager by placing a value chip on the designated betting area prior to the dealer announcing "no more bets." The additional Super Wager on the dealer or other player's hand may be made in any amount equal to or greater than the table minimum and is not required to be equal to or greater than the player's Ante Wager.

(d) The Ante and Super Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 671a.8, § 671a.9 or § 671a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 671a.11(b) and (d), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(e) A player may not wager on more than one player position at a Lunar Poker table.

#### **§ 671a.8. Procedure for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 671a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

(b) The dealer shall announce "no more bets" and begin dealing the cards. Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed face down on the appropriate area of the layout with the opposite hand.

(c) Starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal one card at a time face down to each player who placed an Ante Wager and to the dealer until each player and the dealer have five cards. The last card of the dealer shall be turned face up on the layout.

#### **§ 671a.9. Procedure for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 671a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets.”

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager and to the dealer until each player and the dealer have five cards. The last card of the dealer shall be turned face up on the layout.

**§ 671a.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 671a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce “no more bets.”

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer’s left who has placed an Ante Wager. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of five cards face down to the dealer. The last card of the dealer shall be turned face up on the layout.

**§ 671a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 671a.8, § 671a.9 or § 671a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards, subject to the following limitations:

(1) Each player who wagers at Lunar Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(3) After the dealer announces “all decisions are locked in,” a player may not amend his decision to fold or increase, decrease or place any Bet Wager or Options fee except as provided in subsection (d).

(b) After five cards have been dealt to each player, the player shall examine his cards. If any player’s hand is eligible for a Super Wager or an instant payout, the

player shall declare the winning hand and place his cards face down in the player’s betting area on the layout. Each player shall then elect to:

(1) Fold.

(2) Place a Bet Wager equal to twice the amount of the player’s Ante Wager provided that if any player’s hand contains a royal flush or a straight flush and is eligible for the instant payout, the player shall not place a Bet Wager.

(3) Place an Options fee, equal to the player’s Ante Wager, to buy a sixth card or draw and exchange between two and five of the player’s cards.

(c) After all players have made a decision to either folded, placed a Bet Wager or Options fee, the dealer shall announce “all decisions are locked in.” Once the dealer has announced “all decisions are locked in” a player may not change his decision. Prior to any additional cards being dealt, the dealer shall, beginning with the player to the dealer’s left and continuing clockwise around the table:

(1) If the player did not declare a winning Super Wager, collect the player’s losing Super Wager. If any other player placed a Super Wager on that player’s hand, the dealer shall collect the player’s losing Super Wager first then collect any other player’s Super Wager who placed a Super Wager on that player’s hand.

(2) If the player declared a winning Super Wager, the dealer shall verify the winning hand and payout out the player’s winning Super Wager in accordance with § 671a.12(b) (relating to payout odds). If any other player placed a Super Wager on that player’s hand, the dealer shall pay out the winning player’s hand first then any other player who also placed a Super Wager on that player’s hand in accordance with § 671a.12(b).

(3) If any player is eligible for an instant payout, after verifying the player’s hand, the dealer shall pay the player’s winning Ante Wager in accordance with § 671a.12(a) and place the player’s cards in the discard rack.

(4) For any player who did not make a Bet Wager or Options Wager and folded, the dealer shall collect the player’s Ante Wager and place the player’s cards in the discard rack.

(d) Once all player Super Wagers and instant payouts have been settled and any player’s cards who folded have been collected, beginning with the player to the dealer’s left and moving clockwise around the table, for any player who placed an Options fee equal to the player’s Ante Wager:

(1) The dealer shall collect the Options fee and:

(i) If the player elects to buy the sixth card, the dealer shall deal one additional card.

(ii) If the player elects to exchange cards, the player shall discard between two and five cards, which will thereafter be replaced by dealer with the same number of cards from the deck.

(2) After dealing the additional cards, the player shall create the best possible five-card Poker hand.

(3) The dealer shall then ask the player if the player would like to fold and forfeit the player’s Ante Wager or place a Bet Wager equal to twice the amount of the player’s Ante Wager.

(4) If the player does not make a Bet Wager and forfeits his Ante Wager, the dealer shall collect the Ante Wager and place the player's cards in the discard rack.

(e) After all players have either folded or placed a Bet Wager, the dealer shall reveal the dealer's cards and form the highest ranking five-card Poker hand. The dealer shall then settle any Super Wagers placed on the dealer's hand. Beginning with the first player to the dealer's left who placed a Super Wager on the dealer's hand and continuing clockwise around the table, if the dealer's hand:

(1) Is not eligible for a Super Wager payout, the dealer shall collect each player's losing Super Wager placed on the dealer's hand.

(2) Is eligible for a Super Wager payout, the dealer shall pay the player's winning Super Wager in accordance with § 671a.12(b).

(f) After settling the Super Wager placed on the dealer's hand, if the dealer's hand:

(1) Does not qualify with an ace-king or better, as provided in § 671a.6(b) (relating to Lunar Poker rankings), the dealer shall return the player's Bet Wager, pay the player's Ante Wager in accordance with § 671a.12(c) and place the player's cards in the discard rack.

(2) Qualifies with an ace-king or better, as provided in § 671a.6(b), starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, the dealer shall turn the cards of each player who placed a Bet Wager face up on the layout and form the highest ranking five-card Poker hand. If the dealer's highest ranking five-card Poker hand is:

(i) Higher in rank than the player's five-card Poker hand, as provided in § 671a.6(b), the dealer shall collect the player's Ante and Bet Wagers and place the player's cards in the discard rack.

(ii) Lower in rank than the player's five-card Poker hand, as provided in § 671a.6(b), the dealer shall return the player's Ante Wager and pay the winning Bet Wager in accordance with § 671a.12(d). If a player's winning hand also contains a second Poker combination, where at least one card in the second combination was not included in the winning combination, the dealer shall pay the second winning Bet Wager in accordance with § 671a.12(d) for the second Poker combination. For example, if a player's winning hand contained two aces, a king, 8 and 9, the player would be paid out for the pair of aces that beat the dealer's hand but would also be paid out for the ace-king. If a player purchased a sixth card, all six cards may be considered for purposes of the second payout.

(iii) Equal in rank with the dealer's hand, as provided in § 671a.6(b), the dealer shall return the player's Ante and Bet Wagers.

(g) After all wagers have been settled, the dealer shall remove any remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

(h) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the cards at least once after every 5 rounds of play to determine if the correct number of cards is still present in the deck. The

dealer shall determine the number of cards by counting the cards face down on the layout. If the count indicates:

(1) That 52 cards are in the deck, the dealer shall place the cards in the discard rack.

(2) That 52 cards are not in the deck, the entire deck of cards shall be removed from the table.

#### § 671a.12. Payout odds.

(a) The certificate holder shall pay an instant payout on a player's Ante Wager in accordance with one of the following paytables, selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Royal flush	1,500 to 1	1,000 to 1	1,000 to 1
Straight flush	200 to 1	300 to 1	200 to 1

(b) A certificate holder shall pay the player's winning Super Wager at the following odds:

<i>Hand</i>	<i>Payout</i>
Four-of-a-kind	250 to 1
Five picture cards	120 to 1
Full house	100 to 1
Flush	60 to 1
Straight	30 to 1
Three-of-a-kind	8 to 1
Ace-king-queen	5 to 1
Same colored five	2 to 1

(c) When a dealer does not qualify with an ace and king or higher, a player's Ante Wager shall be paid at odds of 1 to 1.

(d) A winning Bet Wager shall be paid at the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	100 to 1
Straight flush	50 to 1
Four-of-a-kind	20 to 1
Full house	7 to 1
Flush	5 to 1
Straight	4 to 1
Three-of-a-kind	3 to 1
Two pair	2 to 1
One pair	1 to 1
Ace-king	1 to 1

#### § 671a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the dealer's cards that are dealt face down on the layout are inadvertently exposed prior to each player having either folded or placed a Bet Wager as provided under § 671a.11 (relating to procedures for



completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

## CHAPTER 672a. FREE BET BLACKJACK

Sec.

- 672a.1. Definitions.
- 672a.2. Free Bet Blackjack table; card reader device; physical characteristics; inspections.
- 672a.3. Cards; number of decks; value of cards.
- 672a.4. Opening of the table for gaming.
- 672a.5. Shuffle and cut of the cards.
- 672a.6. Wagers.
- 672a.7. Procedure for dealing the cards; completion of each round of play.
- 672a.8. Insurance Wager.
- 672a.9. Double down.
- 672a.10. Splitting pairs.
- 672a.11. Payout odds.
- 672a.12. Irregularities.

### § 672a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Blackjack*—An ace and any card having a value of 10 dealt as the initial two cards to a player or the dealer.

*Card reader device*—A device which permits the dealer to determine if the hole card will give the dealer a Blackjack.

*Hard total*—The total point count of a hand which contains no aces or which contains aces that are each counted as 1 in value.

*Hole card*—The second card dealt face down to the dealer.

*Soft total*—The total point count of a hand containing an ace when the ace is counted as 11 in value.

### § 672a.2. Free Bet Blackjack table; card reader device; physical characteristics; inspections.

(a) Free Bet Blackjack shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Free Bet Blackjack table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Blackjack Wager for each player.
- (3) The following inscriptions:
  - (i) Blackjack pays 3 to 2.
  - (ii) Insurance pays 2 to 1.
  - (iii) Dealer shall draw to 16 and stand on all 17s or other similar language approved by the Executive Director in accordance with § 601a.10(a).
  - (iv) Blackjack Wagers will push if the dealer's hand has a total point count of 22 or other similar language.
  - (v) Surrender is not available on a Free Bet Blackjack table or other similar language. If the language is not inscribed on the layout, a sign specifying that surrender is not available shall be posted at each Free Bet Blackjack table.

(4) If the certificate holder offers the Push 22 Wager, a separate area designated for the placement of the wager for each player.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Free Bet Blackjack table.

(c) Each Free Bet Blackjack table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Free Bet Blackjack table must have a card reader device attached to the top of the dealer's side of the table. The floorperson assigned to the Free Bet Blackjack table shall inspect the card reader device at the beginning of each gaming day to ensure that there has been no tampering with the device and that it is in proper working order.

(e) Each Free Bet Blackjack table must have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack must either:

(1) Equal the height of the cards, stacked one on top of the other, in the total number of decks that are to be used in the dealing shoe at that table.

(2) Be taller than the height of the total number of decks being used if the discard rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards in the number of decks to be used in the dealing shoe at that table.

### § 672a.3. Cards; number of decks; value of cards.

(a) Except as provided in subsection (b), Free Bet Blackjack shall be played with six or eight deck shoes of cards that are identical in appearance and at least one cover card.

(b) If an automated card shuffling device is utilized, other than a continuous shuffler, Free Bet Blackjack shall be played with at least two shoes of cards in accordance with the following requirements:



(1) The cards shall be separated into two batches with an equal number of decks included in each batch.

(2) The cards in each batch must be of the same design but the backs of the cards in one batch must be of a different color than the cards in the other batch.

(3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being used to play the game.

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

(c) The decks of cards opened for use at a Free Bet Blackjack table shall be changed at least once every 24 hours.

(d) The value of the cards shall be as follows:

(1) Any card from 2 to 10 shall have its face value.

(2) Any jack, queen or king shall have a value of 10.

(3) An ace shall have a value of 11 unless that value would give a player or the dealer a score in excess of 21, in which case the ace shall have a value of 1.

#### **§ 672a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 672a.5 (relating to shuffle and cut of the cards).

(d) If an automated shuffling device is utilized, other than a continuous shuffler, all the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c) separate from the decks in the other batch of cards.

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

#### **§ 672a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the decks of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to the player determined under subsection (c). If no player accepts the cut, the dealer shall cut the cards.

(c) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player on whose betting area the cover card appeared during the last round of play.

(3) If the cover card appeared on the dealer's hand during the last round of play, the player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(4) If the reshuffle was initiated at the direction of the floorperson or above, the player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(d) The player or dealer making the cut shall place the cover card in the stack at least ten cards from the top or bottom of the stack. Once the cover card has been inserted, the dealer shall take all cards on top of the cover card and place them on the bottom of the stack. The dealer shall then insert the cover card in the stack at a position at least 1/4 of the way in from the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards or by the next person entitled to cut the cards, as determined under subsection (c). The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe, as provided in § 672a.7(d) (relating to procedure for dealing the cards; completion of each round of play), except that a floorperson may determine that the cards should be reshuffled after any round of play.

(g) If there is no gaming activity at a Free Bet Blackjack table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the cards shall be:

(1) Mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section if there is no automated shuffling device in use.

(2) Stacked and placed into the automated shuffling device to be shuffled if an automated shuffling device is in use. The batch of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the batch of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt provided that the automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(g) do not apply.

**§ 672a.6. Wagers.**

(a) Wagers at Free Bet Blackjack shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the Free Bet Blackjack layout.

(b) After the cards have been shuffled as required under § 672a.5 (relating to shuffle and cut of the cards), a certificate holder may prohibit any patron, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table until either:

(1) The certificate holder chooses to permit the player to begin wagering again.

(2) A reshuffle of the cards has occurred.

(c) All wagers, except an Insurance Wager under § 672a.8 (relating to Insurance Wager), a wager to double down under § 672a.9 (relating to double down) or a wager on split pairs under § 672a.10 (relating to splitting pairs), shall be placed prior to the first card being dealt for each round of play. A player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(d) A player shall place a Blackjack Wager to participate in a round of play and compete against the dealer's hand.

(e) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Blackjack Wager in accordance with subsection (d), the option of placing a Push 22 Wager which shall win if the dealer's hand has a total point count of 22.

(f) The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a Blackjack Wager in one round of play.

**§ 672a.7. Procedure for dealing the cards; completion of each round of play.**

(a) All cards shall be dealt from a dealing shoe which must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures under § 672a.5 (relating to shuffle and cut of the cards) have been completed, the stacked cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand. The dealer may deal cards to the two betting positions closest to the dealing shoe with the same hand.

(c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table

shall also remove one card and place it in the discard rack before dealing any cards to the players.

(d) If the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand will be completed. The dealer shall then:

(1) Collect and reshuffle the cards by removing the cards remaining in the shoe and placing them in the discard rack to ensure that no cards are missing.

(2) Shuffle the cards so that they are randomly intermixed.

(e) After all Blackjack and optional Push 22 Wagers have been placed, the dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face up to each box on the layout in which a Blackjack Wager is contained.

(2) One card face up to the dealer.

(3) A second card face up to each box in which a wager is contained.

(4) A second card face down to the dealer.

(f) Immediately after the second card is dealt to each player and the dealer, if the dealer's first card is an ace, the dealer shall offer the Insurance Wager or even money in accordance with § 672a.8 (relating to Insurance Wager).

(g) If the dealer's first card is an ace or a 10 value card, after the procedures in subsection (f) have been completed, if applicable, the dealer shall determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone at the table, including the dealer. If the dealer has a Blackjack, additional cards may not be dealt and if a player:

(1) Has a Blackjack, the dealer shall return the player's Blackjack Wager, collect the player's Push 22 Wager and pay out any Insurance Wager, if applicable.

(2) Does not have a Blackjack, the dealer shall collect the player's Blackjack and Push 22 Wagers and pay out any Insurance Wager, if applicable.

(h) If the dealer's up card was not an ace or 10 value card or if the dealer's hole card did not give the dealer Blackjack, the dealer shall start with the player farthest to the dealer's left and continue around the table in a clockwise direction and if the player:

(1) Has Blackjack, the dealer shall announce and pay the Blackjack in accordance with § 672a.11(a) (relating to payout odds) and remove the player's cards. If a player also placed a Push 22 Wager, the dealer shall tuck the player's cards under the player's Push 22 Wager until it is resolved in accordance with subsection (n).

(2) Does not have Blackjack, the player shall indicate whether he wishes to double down as permitted under § 672a.9 (relating to double down), split pairs as permitted under § 672a.10 (relating to splitting pairs), stand or draw additional cards. Players may not surrender in Free Bet Blackjack.

(i) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision.

(j) A player may elect to draw additional cards whenever his point count total is less than 21, except that:

(1) A player having a hard or soft total of 21 may not draw additional cards.

(2) A player electing to double down in accordance with § 672a.9 may draw only one additional card.

(k) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn the hole card face up.

(l) Except as provided in subsection (m), the dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20 or 21. Any additional cards required to be dealt to the hand of the dealer shall be dealt face up. The dealer shall announce the dealer's total point count after each additional card is dealt.

(m) If there are no Push 22 Wagers on the table, a dealer may not draw additional cards to his hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's hand will not have an effect on the outcome of the round of play. If there are Push 22 Wagers still on the table and all player's hands are in excess of 21 or have Blackjack, the dealer shall draw additional cards to settle the Push 22 Wagers.

(n) After all additional cards have been drawn, if the total point count of the dealer's hand:

(1) Is a 22, the dealer shall return all remaining player's Blackjack Wagers, collect any Free Bet lammers, as provided in § 672a.9 and § 672a.10, and pay out any Push 22 Wagers in accordance with § 672a.11(c).

(2) Is not a 22, the dealer shall collect any Push 22 Wagers and settle the player's Blackjack Wagers and Free Bet lammers in accordance with subsections (o)–(q).

(o) A player shall win and be paid in accordance with § 672a.11(a) for the Blackjack Wager and an equivalent amount for each Free Bet lammer, if applicable, if:

(1) The total point count of the player's hand is 21 or less and the total point count of the dealer's hand is in excess of 21 provided that if the total point count of the dealer's hand is 22, the Blackjack Wager shall be returned to the player and any Free Bet lammers shall be collected.

(2) The total point count of the player's hand exceeds the total point count of the dealer's hand without exceeding 21.

(p) A Blackjack Wager shall tie and be returned to the player and any Free Bet lammers collected if the total point count of the player's hand is the same as the total point count of the dealer's hand.

(q) A player's Blackjack Wager shall lose and any Free Bet lammers shall be collected if:

(1) The total point count of the dealer's hand is 21 or less and the total point count of the player's hand is in excess of 21.

(2) The total point count of the dealer's hand exceeds the total point count of the player's hand without exceeding 21.

(r) The dealer shall collect all losing wagers and pay off all winning wagers in accordance with one of the following procedures designated in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) Collect all losing wagers beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction and then pay off all winning wagers.

(2) Collect each player's losing wagers and pay off each player's winning wagers beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall place any losing wagers directly into the table inventory and may not pay off any player's winning wagers by using value chips collected from a losing wager.

(s) After all wagers have been settled, the dealer shall remove any remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

(t) Players and spectators may not handle, remove or alter any cards used to play Free Bet Blackjack.

#### **§ 672a.8. Insurance Wager.**

(a) If the first card dealt to the dealer is an ace, each player may make an Insurance Wager which shall win if the dealer's hole card is a king, queen, jack or 10.

(b) An Insurance Wager may be made by placing a value chip on the insurance line of the layout in an amount not more than 1/2 of the player's initial Blackjack Wager. A player may wager an amount in excess of 1/2 of the initial Blackjack Wager to the next unit that can be wagered in chips when, because of the limitation of the value of chip denominations, 1/2 the initial Blackjack Wager cannot be bet. Insurance Wagers shall be placed prior to the dealer inserting his hole card into the card reader device.

(c) Winning Insurance Wagers shall be paid in accordance with the payout odds in § 672a.11(b) (relating to payout odds).

(d) Losing Insurance Wagers shall be collected by the dealer immediately after the dealer inserts his hole card into the card reader device and determines that he does not have a Blackjack and before he draws any additional cards.

(e) Notwithstanding the requirements of subsections (a)–(d), if selected in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer a player who has Blackjack the option to be paid even money on the Blackjack Wager instead of making an Insurance Wager. If the player elects to be paid even money, the dealer shall pay out the Blackjack Wager at odds of 1 to 1 and remove the player's cards provided that if the player also placed a Push 22 Wager, the dealer shall tuck the player's cards under the player's Push 22 Wager until it is resolved in accordance with § 672a.7(n) (relating to procedure for dealing the cards; completion of each round of play).

#### **§ 672a.9. Double down.**

(a) Except when a player has a Blackjack, a player may elect to double down on the first two cards dealt to him or on the first two cards of any split pair. If the total point count of the player's two cards:

(1) Is a hard 9, 10 or 11, the player may double down without placing an additional wager. If a player is doubling down without placing an additional wager, the dealer shall place a Free Bet lammer next to the player's original Blackjack Wager.

(2) Is not a hard 9, 10 or 11, the player may place an additional wager next to the player's original Blackjack Wager which may not exceed the amount of the player's original Blackjack Wager.



(b) If a player elects to double down after splitting pairs, as provided in § 672a.10 (relating to splitting pairs), the player may double down on split pairs as provided in subsection (a).

(c) Upon a player's election to double down, the dealer shall deal one additional card face up and place it sideways on the layout.

(d) The dealer shall then complete the procedure in § 672a.7(i)–(s) (relating to procedure for dealing the cards; completion of each round of play).

#### § 672a.10. Splitting pairs.

(a) If the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands. For example, if a player has two 7s or a king and a 10, the player may elect to split the hand.

(b) If a player elects to split pairs and the player has:

(1) A pair of 10 value cards (10, jack, queen or king), the player shall place an amount equal to the original Blackjack Wager for the split pair.

(2) Any pair other than 10 value cards, the player may split pairs without placing an additional wager. If a player is splitting pairs without placing an additional wager:

(i) The dealer shall place a Free Bet lammer next to the player's original Blackjack Wager.

(ii) The original Blackjack Wager shall move with the first split hand and the Free Bet lammer shall be the wager for the second split hand.

(c) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to the second hand. If the first split hand busts and if the player's hand:

(1) Does not contain any Free Bet lammers, the dealer shall collect the losing Blackjack Wager and place the player's cards in the discard rack.

(2) Contains a Free Bet lammer, the player's cards shall be tucked under the original Blackjack Wager until the hand is settled or until the split hand or hands bust as well.

(d) After a second card is dealt to each split pair, the player shall indicate his decision to stand, draw, double down or resplit with respect that hand. A player may resplit any additional pairs, in accordance with subsection (b), for a total of up to four hands.

#### § 672a.11. Payout odds.

(a) The certificate holder shall pay each winning Blackjack Wager and any Free Bet lammers at odds of 1 to 1 with the exception of player Blackjack which shall be paid at odds of 3 to 2.

(b) The certificate holder shall pay out winning Insurance Wagers at odds of 2 to 1.

(c) The certificate holder shall pay out winning Push 22 Wagers based on the dealer's hand at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Same suit 22	50 to 1	50 to 1
Same color 22	20 to 1	20 to 1
Other 22	8 to 1	7 to 1

#### § 672a.12. Irregularities.

(a) A card found face up in the shoe may not be used in that round of play and shall be placed in the discard rack or in a segregated area of the double shoe.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(c) After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, the card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept the card may not have any additional cards dealt to him during the round. If the card is refused by the players and the dealer cannot use the card, the card shall be placed in the discard rack.

(d) If the dealer has 17 and accidentally draws a card for himself, the card shall be placed in the discard rack.

(e) If the dealer misses dealing his first or second card to himself, the dealer shall continue dealing the first two cards to each player and then deal the appropriate number of cards to himself.

(f) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled and cut according to the procedures in § 672a.5 (relating to shuffle and cut of the cards). The first card shall be drawn face down and placed in the discard rack and the dealer shall complete the round of play.

(g) If no cards are dealt to a player's hand, the hand is dead and the player shall be included in the next deal. If only one card is dealt to a player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

(h) If after receiving the first two cards the dealer fails to deal an additional card to a player who has requested a card, then, at the player's option, the dealer shall either deal the additional card after all other players have received their additional cards but prior to the dealer revealing his hole card or call the player's hand dead and return the player's original Blackjack Wager.

(i) If the dealer inserts his hole card into a card reader device when the value of his first card is not an ace, king, queen, jack or 10, the dealer, after notification to a floorperson or above, shall continue play.

(j) If a card reader device malfunctions, the dealer may not continue dealing the game of Blackjack at that table until the card reader device is repaired or replaced.

(k) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(l) If an automated shuffling device malfunctions and cannot be used, the device must be covered or have a sign indicating that it is out of order placed on the device before any other method of shuffling may be utilized at that table.



**CHAPTER 673a. DOUBLE BACK JACK**

Sec.

- 673a.1. Definitions.
- 673a.2. Double Back Jack table; card reader device; physical characteristics; inspections.
- 673a.3. Cards; number of decks; value of cards.
- 673a.4. Opening of the table for gaming.
- 673a.5. Shuffle and cut of the cards.
- 673a.6. Wagers.
- 673a.7. Procedure for dealing the cards; completion of each round of play.
- 673a.8. Insurance Wager.
- 673a.9. Surrender.
- 673a.10. Double down.
- 673a.11. Splitting pairs.
- 673a.12. Payout odds.
- 673a.13. Irregularities.

**§ 673a.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Blackjack*—An ace and any card having a value of 10 dealt as the initial two cards to a player or the dealer.

*Bust*—The total point count of a hand that is greater than 21.

*Card reader device*—A device which permits the dealer to determine if the hole card will give the dealer a Blackjack.

*Hard total*—The total point count of a hand which contains no aces or which contains aces that are each counted as 1 in value.

*Hole card*—The second card dealt face down to the dealer.

*Soft total*—The total point count of a hand containing an ace when the ace is counted as 11 in value.

**§ 673a.2. Double Back Jack table; card reader device; physical characteristics; inspections.**

(a) Double Back Jack shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Double Back Jack table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Blackjack Wager for each player.
- (3) A separate betting area designated for the placement of the Second Chance Wager for each player.
- (4) The following inscriptions or other similar language approved by the Executive Director in accordance with § 601a.10(a):
  - (i) Blackjack and Insurance pays 2 to 1.
  - (ii) Dealer shall draw to 16 and stand on all 17s.
  - (iii) Blackjack Wagers will push if the dealer's hand has a total point count of 22, player 21 pays right away, Second Chance pays even money.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Double Back Jack table.

(c) Each Double Back Jack table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Double Back Jack table must have a card reader device attached to the top of the dealer's side of the table. The floorperson assigned to the Double Back Jack table shall inspect the card reader device at the beginning of each gaming day to ensure that there has been no tampering with the device and that it is in proper working order.

(e) Each Double Back Jack table must have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack must either:

(1) Equal the height of the cards, stacked one on top of the other, in the total number of decks that are to be used in the dealing shoe at that table.

(2) Be taller than the height of the total number of decks being used if the discard rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards in the number of decks to be used in the dealing shoe at that table.

**§ 673a.3. Cards; number of decks; value of cards.**

(a) Except as provided in subsections (b) and (c), Double Back Jack shall be played with at least one deck of cards that are identical in appearance and at least one cover card.

(b) If an automated card shuffling device is utilized, other than a continuous shuffler, Double Back Jack shall be played with at least two decks of cards in accordance with the following requirements:

(1) The cards shall be separated into two batches with an equal number of decks included in each batch.

(2) The cards in each batch must be of the same design but the backs of the cards in one batch must be of a different color than the cards in the other batch.

(3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being used to play the game.

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

(c) The decks of cards opened for use at a Double Back Jack table shall be changed at least once every 24 hours.

(d) The value of the cards shall be as follows:

- (1) Any card from 2 to 10 shall have its face value.
- (2) Any jack, queen or king shall have a value of 10.
- (3) An ace shall have a value of 11 unless that value would give a player or the dealer a score in excess of 21, in which case the ace shall have a value of 1.

**§ 673a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 673a.5 (relating to shuffle and cut of the cards).

(d) If an automated shuffling device is utilized, other than a continuous shuffler, all the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c) separate from the decks in the other batch of cards.

(e) If the decks of cards received at the table are preinspected and preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

#### **§ 673a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the decks of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to the player determined under subsection (c). If no player accepts the cut, the dealer shall cut the cards.

(c) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player on whose betting area the cover card appeared during the last round of play.

(3) If the cover card appeared on the dealer's hand during the last round of play, the player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(4) If the reshuffle was initiated at the direction of the floorperson or above, the player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(d) The player or dealer making the cut shall place the cover card in the stack at least ten cards from the top or bottom of the stack. Once the cover card has been inserted, the dealer shall take all cards on top of the cover card and place them on the bottom of the stack. The dealer shall then insert the cover card in the stack at a position at least 1/4 of the way in from the bottom of the

stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards or by the next person entitled to cut the cards, as determined under subsection (c). The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe, as provided in § 673a.7(d) (relating to procedure for dealing the cards; completion of each round of play), except that a floorperson may determine that the cards should be reshuffled after any round of play.

(g) If there is no gaming activity at a Double Back Jack table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the cards shall be:

(1) Mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section, if there is no automated shuffling device in use.

(2) Stacked and placed into the automated shuffling device to be shuffled, if an automated shuffling device is in use. The batch of cards already in the shuffler shall then be removed. Unless a player requests otherwise, the batch of cards removed from the shuffler does not need to be spread for inspection and reshuffled prior to being dealt if the automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(g) do not apply.

#### **§ 673a.6. Wagers.**

(a) Wagers at Double Back Jack shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the Double Back Jack layout.

(b) After the cards have been shuffled as required under § 673a.5 (relating to shuffle and cut of the cards), a certificate holder may prohibit any patron, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table until either:

(1) The certificate holder chooses to permit the player to begin wagering again.

(2) A reshuffle of the cards has occurred.

(c) All wagers, except a Second Chance Wager under § 673a.7(l) (relating to procedure for dealing the cards; completion of each round of play), an Insurance Wager under § 673a.8 (relating to Insurance Wager), a wager to double down under § 673a.10 (relating to double down) or

a wager on split pairs under § 673a.11 (relating to splitting pairs), shall be placed prior to the first card being dealt for each round of play. A player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(d) To participate in a round of play and compete against the dealer's hand, a player shall place a Blackjack Wager.

(e) The certificate holder shall specify in its Rules Submission under § 601a.2 (relating to table games Rules Submissions) the number of adjacent boxes on which a player may place a Blackjack Wager in one round of play.

**§ 673a.7. Procedure for dealing the cards; completion of each round of play.**

(a) All cards shall be dealt from a dealing shoe which must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures under § 673a.5 (relating to shuffle and cut of the cards) have been completed, the stacked cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand. The dealer may deal cards to the two betting positions closest to the dealing shoe with the same hand.

(c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.

(d) If the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand will be completed. The dealer shall then:

(1) Collect and reshuffle the cards by removing the cards remaining in the shoe and placing them in the discard rack to ensure that no cards are missing.

(2) Shuffle the cards so that they are randomly intermixed.

(e) After all Blackjack Wagers have been placed, the dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal the cards as follows:

(1) One card face up to each box on the layout in which a Blackjack Wager is contained.

(2) One card face up to the dealer.

(3) A second card face up to each box in which a wager is contained.

(4) A second card face down to the dealer.

(f) Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before any card reader device is utilized, if any player has a Blackjack, the dealer shall settle the player's Blackjack Wager. Starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, the dealer shall pay the winning Blackjack Wager in accordance with

§ 673a.12(a) (relating to payout odds) and place the player's cards in the discard rack.

(g) After paying out any winning Blackjack Wagers in accordance with subsection (f), if the dealer's first card is an ace, the dealer shall offer the Insurance Wager in accordance with § 673a.8 (relating to Insurance Wager).

(h) If the dealer's first card is an ace, king, queen, jack or 10, after all Insurance Wagers have been placed, if applicable, the dealer shall determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone at the table, including the dealer. If the dealer has a Blackjack, additional cards may not be dealt and each player's Blackjack Wager will be collected.

(i) If the dealer's up card was not an ace or 10 value card or if the dealer's hole card did not give the dealer Blackjack, the dealer shall start with the player farthest to the dealer's left and continue around the table in a clockwise direction and each player shall indicate whether he wishes to surrender, as permitted under § 673a.9 (relating to surrender), double down as permitted under § 673a.10 (relating to double down), split pairs as permitted under § 673a.11 (relating to splitting pairs), stand or draw additional cards.

(j) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision.

(k) A player may elect to draw additional cards whenever his point count total is less than 21, except that:

(1) A player having a hard or soft total of 21 may not draw additional cards.

(2) A player electing to double down may draw only one additional card.

(l) After drawing additional cards in accordance with subsection (k), if the player's hand is greater than 21, the dealer shall ask if the player would like to place a Second Chance Wager to draw one additional card, the value of which will be subtracted from the player's hand. To draw an additional card, the player shall place a Second Chance Wager equal to the amount of the player's current Blackjack Wager. The dealer shall deal one additional card face up and place it sideways on the layout. The value of the second chance card shall be subtracted from the total value of the player's hand. For example, if a player elects to place a Second Chance Wager when the player's hand has a total value of 25 after all additional cards are dealt in accordance with subsection (k), and the player receives a second chance card with a value of 5, the 5 shall be subtracted from the player's hand making the total value of the player's hand a 20. For purposes of the Second Chance Wager, an additional ace drawn is counted as a 1. After drawing the additional second chance card, if the player's hand has a total value:

(1) Greater than 21, the dealer shall collect the player's Blackjack and Second Chance Wagers and place the player's cards in the discard rack.

(2) Of 21, the dealer shall pay the player's winning Second Chance Wager in accordance with § 673a.12(b), return the player's Blackjack Wager and place the player's cards in the discard rack.

(3) Less than 21, the round of play shall continue in accordance with subsection (n).

(m) If a player did not place a Second Chance Wager, after all additional cards have been dealt, if any player's



hand has a total value of 21, the dealer shall pay the player's winning Blackjack Wager in accordance with § 673a.12(a) and place the player's cards in the discard rack.

(n) After settling any player's hand who had a total value of 21, the dealer shall turn the dealer's hole card face up.

(o) Except as provided in subsection (p), the dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20 or 21. Any additional cards required to be dealt to the hand of the dealer shall be dealt face up. The dealer shall announce the dealer's total point count after each additional card is dealt.

(p) A dealer shall draw no additional cards to his hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's hand will not have an effect on the outcome of the round of play.

(q) After all additional cards have been dealt to the dealer, if the total point count of the dealer's hand:

(1) Is 22, the dealer shall return all remaining player's Blackjack Wagers and Second Chance Wagers, if applicable.

(2) Is 21 or less, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the remaining player's hands in accordance with subsections (r) and (s).

(r) In comparing the total point count of the dealer's hand versus the total point count of the player's hand, a player's hand shall:

(1) Win if:

(i) The total point count of the player's hand is less than 21 and the total point count of the dealer's hand is in excess of 21.

(ii) The total point count of the player's hand exceeds the total point count of the dealer's hand without exceeding 21.

(2) Tie if the total point count of the player's hand is the same as the total point count of the dealer's hand.

(3) Lose if:

(i) The total point count of the dealer's hand is 21 or less and the total point count of the player's hand is in excess of 21.

(ii) The total point count of the dealer's hand exceeds the total point count of the player's hand without exceeding 21.

(s) If a player's hand:

(1) Is a winning hand, in accordance with subsection (r), and the player:

(i) Placed a Second Chance Wager, the dealer shall return the player's Blackjack Wager and pay out the winning Second Chance Wager in accordance with § 673a.12(b).

(ii) Did not place a Second Chance Wager, the dealer shall pay out the winning Blackjack Wager in accordance with § 673a.12(a).

(2) Ties with the dealer's hand, the dealer shall return the player's Blackjack Wager and Second Chance Wager, if applicable.

(3) Loses against the dealer's hand, the dealer shall collect the player's Blackjack Wager and Second Chance Wager, if applicable.

(t) The dealer shall collect all losing wagers and pay off all winning wagers in accordance with one of the following procedures designated in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) Collect all losing wagers beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction and then pay off all winning wagers.

(2) Collect each player's losing wagers and pay off each player's winning wagers beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall place any losing wagers directly into the table inventory and may not pay off any player's winning wagers by using value chips collected from a losing wager.

(u) After all wagers have been settled, the dealer shall remove any remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

(v) Players and spectators may not handle, remove or alter any cards used to play Double Back Jack.

#### **§ 673a.8. Insurance Wager.**

(a) If the first card dealt to the dealer is an ace, each player may make an Insurance Wager which shall win if the dealer's hole card is a king, queen, jack or 10.

(b) An Insurance Wager may be made by placing a value chip on the insurance line of the layout in an amount not more than 1/2 of the player's initial Blackjack Wager. A player may wager an amount in excess of 1/2 of the initial Blackjack Wager to the next unit that can be wagered in chips, when, because of the limitation of the value of chip denominations, half the initial Blackjack Wager cannot be bet. Insurance Wagers shall be placed prior to the dealer inserting his hole card into the card reader device.

(c) Winning Insurance Wagers shall be paid in accordance with the payout odds in § 673a.12(c) (relating to payout odds).

(d) Losing Insurance Wagers shall be collected by the dealer immediately after the dealer inserts his hole card into the card reader device and determines that he does not have a Blackjack and before he draws any additional cards.

#### **§ 673a.9. Surrender.**

(a) After the first two cards are dealt to the player, the player may elect to discontinue play on his hand for that round by surrendering 1/2 of his wager. All decisions to surrender shall be made prior to the player indicating whether he wishes to double down as permitted under § 673a.10 (relating to double down), split pairs as permitted under § 673a.11 (relating to splitting pairs), stand or draw. If the first card dealt to the dealer:

(1) Is not an ace or 10 value card, the dealer shall immediately collect 1/2 of the wager and return 1/2 to the player.

(2) Is an ace or 10 value card, the dealer will place the player's wager on top of the player's cards. After the Insurance Wager is offered and the card reader device is utilized, the hand will be settled by immediately collect-



ing the entire wager if the dealer has Blackjack or collecting 1/2 of the wager and returning 1/2 of the wager to the player if the dealer does not have Blackjack.

(b) If the player has made an Insurance Wager and then elects to surrender, each wager will be settled separately in accordance with subsection (a) and § 673a.8 (relating to Insurance Wager).

#### § 673a.10. Double down.

(a) Except when a player has a Blackjack, a player may elect to double down on the first two cards dealt to him or the first two cards of any split pair. To double down, the player shall place an additional wager next to the player's original Blackjack Wager which may not exceed the amount of the player's original Blackjack Wager. Only one additional card shall be dealt to the hand on which the player has elected to double down.

(b) Upon a player's election to double down, the dealer shall deal the one additional card face up and place it sideways on the layout.

(c) A player may double down after splitting pairs as provided in § 673a.11 (relating to splitting pairs).

#### § 673a.11. Splitting pairs.

(a) If the initial two cards dealt to a player are identical in value, the player may elect to split the hand into a maximum of two separate hands provided that he makes a wager on the second hand formed in an amount equal to his original Blackjack Wager. For example, if a player has two 7s or a king and a 10, the player may elect to split the hand.

(b) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to the second hand. If a player's hand contains an ace and a 10 value card after the player's hand is split and an additional card is dealt, the player shall be paid out for a 21 not a Blackjack.

(c) After a second card is dealt to each split pair hand, the player shall indicate his decision to stand, draw or double down with respect that hand.

#### § 673a.12. Payout odds.

(a) The certificate holder shall pay each winning Blackjack Wager at odds of 1 to 1 with the exception of a player Blackjack which shall be paid at odds of 2 to 1.

(b) The certificate holder shall pay out winning Second Chance Wagers at odds of 1 to 1.

(c) The certificate holder shall pay out winning Insurance Wagers at odds of 2 to 1.

#### § 673a.13. Irregularities.

(a) A card found face up in the shoe may not be used in that round of play and shall be placed in the discard rack or in a segregated area of the double shoe.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(c) After the initial two cards have been dealt to each player and a card is drawn in error and exposed to the players, the card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept the card may not have any additional cards dealt to him during the round. If the card is refused by the players and the dealer cannot use the card, the card shall be placed in the discard rack.

(d) If the dealer has 17 and accidentally draws a card for himself, the card shall be placed in the discard rack.

(e) If the dealer misses dealing his first or second card to himself, the dealer shall continue dealing the first two cards to each player and then deal the appropriate number of cards to himself.

(f) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled and cut according to the procedures in § 673a.5 (relating to shuffle and cut of the cards). The first card shall be drawn face down and placed in the discard rack and the dealer shall complete the round of play.

(g) If no cards are dealt to a player's hand, the hand is dead and the player shall be included in the next deal. If only one card is dealt to a player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

(h) If after receiving the first two cards, the dealer fails to deal an additional card to a player who has requested a card, then, at the player's option, the dealer shall either deal the additional card after all other players have received their additional cards but prior to the dealer revealing his hole card or call the player's hand dead and return the player's original Blackjack Wager.

(i) If the dealer inserts his hole card into a card reader device when the value of his first card is not an ace, king, queen, jack or 10, the dealer, after notification to a floorperson or above, shall continue play.

(j) If a card reader device malfunctions, the dealer may not continue dealing the game of Blackjack at that table until the card reader device is repaired or replaced.

(k) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(l) If an automated shuffling device malfunctions and cannot be used, the device must be covered or have a sign indicating that it is out of order placed on the device before any other method of shuffling may be utilized at that table.

### CHAPTER 674a. CRISS-CROSS POKER

Sec.

- |          |   |
|----------|---|
| 674a.1.  | Definitions.  |
| 674a.2.  | Criss-Cross Poker table physical characteristics.               |
| 674a.3.  | Cards; number of decks.   |
| 674a.4.  | Opening of the table for gaming.                                |
| 674a.5.  | Shuffle and cut of the cards.                                   |
| 674a.6.  | Criss-Cross Poker rankings.                                     |
| 674a.7.  | Wagers.   |
| 674a.8.  | Procedure for dealing the cards from a manual dealing shoe.     |
| 674a.9.  | Procedure for dealing the cards from the hand.                  |
| 674a.10. | Procedure for dealing the cards from an automated dealing shoe. |
| 674a.11. | Procedures for completion of each round of play.                |
| 674a.12. | Payout odds.  |
| 674a.13. | Irregularities.   |

#### § 674a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Across Hand*—A five-card Poker hand formed for each player by combining the two cards dealt to the player and the three community cards on the horizontal line of the cross.

*Community cards*—Cards which are used by all players to form a five-card Poker hand.

*Down Hand*—A five-card Poker hand formed for each player by combining the two cards dealt to the player and the three community cards on the vertical line of the cross.

**§ 674a.2. Criss-Cross Poker table physical characteristics.**

(a) Criss-Cross Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Criss-Cross Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain:

- (1) The name or logo of the certificate holder.
- (2) Five separate betting areas for each player designated for the placement of the Ante Wagers required under § 674a.7(d) (relating to wagers).
- (3) Five separate areas designated for the placement of the five community cards. The area for the community cards must form a cross with one box furthest from the table inventory container, three boxes in the center row and one box directly in front of the table inventory container.
- (4) If the certificate holder offers the optional Five Card Bonus Wager authorized under § 674a.7(e), a separate area designated for the placement of the Five Card Bonus Wager for each player.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Criss-Cross Poker table.

(c) Each Criss-Cross Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Criss-Cross Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 674a.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Criss-Cross Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Criss-Cross Poker may be played with two decks of cards in accordance with the following requirements:

- (1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.
- (2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.
- (3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Criss-Cross Poker shall be changed at least every:

- (1) Four hours if the cards are dealt by hand.
- (2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

**§ 674a.4. Opening of the table for gaming.**

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 674a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 674a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

- (1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 674a.8, § 674a.9 or § 674a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before the cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Criss-Cross Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 674a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (d)—(f) do not apply.

#### **§ 674a.6. Criss-Cross Poker rankings.**

(a) The rank of the cards used in Criss-Cross Poker shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example, queen, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible Poker hands in the game of Criss-Cross Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand consisting of five cards of the same suit in consecutive ranking, other than a royal flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order.

(6) A straight, which is a hand consisting of five cards of consecutive rank of different suits.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(8) Two pairs, which is a hand consisting of two pairs.

(9) A pair, which is a hand consisting of two cards of the same rank.

#### **§ 674a.7. Wagers.**

(a) Wagers at Criss-Cross Poker shall be made by placing value chips, plaques or other Board-approved

table game wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Criss-Cross Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All Ante Across and Ante Down Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 674a.8, § 674a.9 or § 674a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe). Except as provided in § 674a.11(b), (d) and (f) (relating to procedures for completion of each round of play), a wager may not be made after the dealer has announced "no more bets."

(d) To participate in a round of play, a player shall place two equal but separate Ante Wagers designated as Ante Across and Ante Down.

(e) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player at a Criss-Cross Poker table the option to make an additional Five Card Bonus Wager that the five community cards will form a hand with a rank of a pair of 6s or better. After placing the Ante Wager required under subsection (d), a player may make an additional Five Card Bonus Wager by placing a value chip onto the designated betting area for that player. A Five Card Bonus Wager will not have a bearing on any other wagers made by the player.

(f) Across, Down and Middle Bets shall be made in accordance with § 674a.11(b), (d) and (f).

(g) A player may not wager on more than one player position at a Criss-Cross Poker table.

#### **§ 674a.8. Procedure for dealing the cards from a manual dealing shoe.**

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 674a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce "no more bets."

(c) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) The dealer shall deal five community cards face down to form a cross with one card in the box furthest from the dealer, three cards in the second row and one card in the box closest to the dealer. After dealing the five community cards, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal one card at a time, face down to each player who has placed the two required



Ante Wagers in accordance with § 674a.7(d) (relating to wagers) until each player has two cards.

(e) After five cards have been dealt to the area designated for the placement of the community cards and two cards have been dealt to each player, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

(f) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(g) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 2 cards or the area designed for the placement of the community cards has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 674a.9. Procedure for dealing the cards from the hand.**

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 674a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets."

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck. The dealer shall deal five community cards face down to form a cross with one card in the box furthest from the dealer, three cards in the second row and one card in the box closest to the dealer. After dealing the five community cards, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal one card at a time, face down to each player who has placed the two required Ante Wagers in accordance with § 674a.7(d) (relating to wagers) until each player has two cards.

(c) After five cards have been dealt to the area designated for the placement of the community cards and two cards have been dealt to each player, the dealer shall, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player has more or less than 2 cards or the area designed for the placement of the community cards has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 674a.10. Procedure for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 674a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets."

(b) The dealer shall deliver the first stack of five cards dispensed by the automated dealing shoe face down to the area designated for the placement of the community cards. The dealer shall spread the stack within the designated area to form a cross with the top card placed in the box furthest from the dealer, the next three cards are placed in the middle row and the bottom card placed in the box closest to the dealer. After dealing the five community cards, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deliver a stack of two cards face down to each of the players who has placed the two required Ante Wagers in accordance with § 674a.7(d) (relating to wagers).

(c) After each stack of cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a

player has more or less than 2 cards or the area designed for the placement of the community cards has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 674a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 674a.8, § 674a.9 or § 674a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedure for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Criss-Cross Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his two cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place an Across Bet in an amount equal to one to three times the total amount of the player's Ante Across Wager. If a player does not place an Across Bet, the player's Ante Across and Ante Down Wagers shall be collected and the player's cards placed in the discard rack provided that if a player also placed a Five Card Bonus Wager, the player's Five Card Bonus Wager shall remain on the table until resolved in accordance with subsection (h)(5).

(c) After each player has made a decision regarding the Across Bet and any forfeited hands have been collected, the dealer shall then turn the two outside community cards in the horizontal row face up on the layout.

(d) After the first two community cards are exposed, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place a Down Bet in an amount equal to one to three times the total amount of the player's Ante Down Wager. If a player does not place a Down Bet, the player's Ante Across Wager, Ante Down Wager and Across Bet shall be collected and the player's cards placed in the discard rack provided that if a player also placed a Five Card Bonus Wager, the player's Five Card Bonus Wager shall remain on the table until resolved in accordance with subsection (h)(5).

(e) The dealer shall then turn the two outside community cards in the vertical row face up leaving only the middle community card face down on the layout.

(f) After the third and fourth community cards are exposed, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask each player if he wishes to place a Middle Bet in an amount equal to one to three times the amount of the player's Ante Across or Ante Down Wager. If a

player does not place a Middle Bet, the player's Ante Across Wager, Ante Down Wager, Across Bet and Down Bet shall be collected and the player's cards placed in the discard rack provided that if a player also placed a Five Card Bonus Wager, the player's Five Card Bonus Wager shall remain on the table until resolved in accordance with subsection (h)(5). After all remaining players have placed a Middle Bet, each player shall place his cards face down on the appropriate area of the layout.

(g) The dealer shall then turn the middle community card face up on the layout. After all five community cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, turn the two cards of the player face up on the layout. The player's two cards and the three community cards in the horizontal line shall form the player's five-card Across Hand while the player's two cards and the three community cards in the vertical line shall form the player's five-card Down Hand.

(h) The dealer shall settle all wagers of that player by collecting losing wagers and paying winning wagers as follows:

(1) If a player's Across Hand:

(i) Is less than a pair of 6s, the dealer shall collect the losing Ante Across and Across Bet Wagers.

(ii) Is a pair of 6s or better, the dealer shall return or pay out the winning Ante Across wager in accordance with § 674a.12(a) (relating to payout odds) and the Across Bet in accordance with § 674a.12(b).

(2) If a player's Down Hand:

(i) Is less than a pair of 6s, the dealer shall collect the losing Ante Down and Down Bet wagers.

(ii) Is a pair of 6s or better, the dealer shall return or pay out the winning Ante Down Wager in accordance with § 674a.12(a) and the Down Bet in accordance with § 674a.12(b).

(3) If neither of a player's Down or Across Hands contains a pair of 6s or better, the dealer shall collect the losing Middle Bet Wager.

(4) If either of a player's Down or Across Hands contains a pair of 6s or better, the dealer shall pay out the Middle Bet Wager in accordance with § 674a.12(b). The payout shall be based on the higher ranking Across Hand or Down Hand.

(5) After settling the player's other wagers, the dealer shall settle the player's Five Card Bonus Wager, if applicable. If the five community cards form a five-card Poker hand of a pair of 6s or better, the dealer shall pay the winning Five Card Bonus Wager in accordance with § 674a.12(c).

(i) After all wagers of the player have been settled, the dealer shall remove the player's cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**§ 674a.12. Payout odds.**

(a) Winning Ante Across and Ante Down Wagers shall be paid at the following odds:

<i>Hand</i>	<i>Payout</i>
Pair of jacks or better	1 to 1
Pair of 6s through 10s	Push

(b) Winning Across, Down and Middle Bet Wagers shall be paid at the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	500 to 1
Straight flush	100 to 1
Four-of-a-kind	40 to 1
Full house	12 to 1
Flush	8 to 1
Straight	5 to 1
Three-of-a-kind	3 to 1
Two pair	2 to 1
Pair of jacks, queens, kings or aces	1 to 1
Pair of 6s through 10s	Push

(c) If a certificate holder offers the Five Card Bonus Wager, winning Five Card Bonus Wagers shall be paid out at the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	250 to 1
Straight flush	100 to 1
Four-of-a-kind	40 to 1
Full house	15 to 1
Flush	10 to 1
Straight	6 to 1
Three-of-a-kind	4 to 1
Two pair	3 to 1
Pair of 6s or better	1 to 1

#### § 674a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the community cards are inadvertently exposed prior to the dealer revealing the community cards in accordance with § 674a.11(c), (e) and (g) (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal all cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing

shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

#### CHAPTER 675a. HIGH ROLL DICE

Sec.

- 675a.1. High Roll Dice table; physical characteristics.
- 675a.2. Wagers; die ranking.
- 675a.3. Dice; shaker.
- 675a.4. Procedure for completion of each round of play.
- 675a.5. Payout odds.

##### § 675a.1. High Roll Dice table; physical characteristics.

(a) High Roll Dice shall be played at a table having betting positions for five players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a High Roll Dice table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) At each betting position:

(i) For the Like Kind Boulevard Wagers, seven circles containing the numbers two of a kind through eight of a kind.

(ii) For the Millionaire Row Wagers, two circles containing the numbers nine of a kind and ten of a kind and the inscription "First Roll Side Bet."

(iii) For the Pip Street Wagers, a depiction of six dice displaying a value of one through six with the two-spot die farthest to the player's left and the one-spot die farthest to the player's right.

(iv) An inscription advising players that all Pip Street, Like Kind Boulevard and Extra Roll Wagers must be of equal value.

(v) An extra-roll sensor for the placement of the Extra Roll Wager.

(3) The payout odds, in accordance with § 675a.5 (relating to payout odds), for all permissible wagers offered by the certificate holder. If the payout odds are not on the layout, a sign identifying the payout odds shall be posted at each High Roll Dice table.

(4) A throw box set into the surface of the High Roll Dice table. The throw box layout must contain an area for the placement of dice labeled "Ace" through "Six" with the "Ace" box farthest to the left of the dealer and the "Two" box farthest to the right of the dealer.

(c) The High Roll Dice table must have an electronic system for the placement of Extra Roll Wagers. The electronic system must include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Extra Roll Wager.

(2) A device that controls or monitors the placement of Extra Roll Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Extra Roll Wager that a player attempts to place after the dealer has announced "no more bets."

(d) Each High Roll Dice table must have a drop box with a tip box attached on the same side of the gaming



table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).

#### § 675a.2. Wagers; die ranking.

(a) All wagers shall be made before the dice are shaken by the dealer.

(b) Wagers shall be made by placing value chips or plaques on the appropriate areas of the layout. Verbal wagers accompanied by cash may not be accepted.

(c) Only players who are seated at a High Roll Dice table may place a wager at the game. Once a player has placed a wager, that player shall remain seated until the completion of the round of play.

(d) For High Roll Dice, a die with a value of 1, or ace, is the highest in rank followed by a 6, 5, 4 and 3, with a 2 being the lowest value die.

(e) The following wagers are authorized in High Roll Dice:

(1) To participate in a round of play, each player shall place a Pip Street Wager on any or all of the depictions of six dice contained at the top of the player's wagering area. For purposes of the Pip Street Wager, the player is wagering on which die face will occur the greatest number of times in the first roll. For example, if a dealer throws:

(i) Three 6s and four 4s, the 4s occurred the most during the first roll.

(ii) Three 6s and three 1s, the 1s occurred the most as an ace has a higher value than a 6 for purposes of High Roll Dice.

(2) After placing a Pip Street Wager, a player may place a Like Kind Boulevard Wager equal to the player's Pip Street Wager on any or all of the numbered circles two through eight. For purposes of the Like Kind Wager, the player is wagering on how many of the most matching dice will be rolled on the first roll. For example, if a dealer throws:

(i) Three 6s and four 1s, the result would be four matching dice, or a four-of-a-kind.

(ii) Five 2s and three 1s, the result would be five matching dice, or a five-of-a-kind.

(3) If a player placed a Like Kind Boulevard Wager, the player may also place on the extra-roll sensor an Extra Roll Wager, equal to the player's Like Kind Boulevard Wager. An Extra Roll Wager will entitle the player to an additional throw of nonmatching dice. For example, if a dealer threw two 6s and four 1s on the first throw and two additional 1s on the second roll, there would be a total of six matching dice, or a six-of-a-kind.

(4) A player may place a Millionaire Row Wager on either or both of the numbered nine or ten circles. For purposes of the Millionaire Row Wager, the player is wagering that all nine or ten dice will match on the first roll. The Millionaire Row Wager may not be more than \$1.

#### § 675a.3. Dice; shaker.

(a) High Roll Dice shall be played with ten 19 mm dice. Dice used in the play of the game shall comply with § 603a.12(a)(2)–(10) and (d) (relating to dice; physical characteristics) and the receipt and inspection requirements in § 603a.13 (relating to dice; receipt, storage, inspection and removal from use).

(b) High Roll Dice shall be played with a dice shaker, approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), which shall be used to shake the ten dice to arrive at the winning combinations. The dice shaker shall be designed and constructed to maintain the integrity of the game and must:

(1) Be capable of effectively shaking ten dice. Dice that have been placed in a dice shaker for use in gaming may not remain on a table for more than 24 hours.

(2) Have the name or logo of the certificate holder imprinted or impressed thereon.

(c) The dice shaker is the responsibility of the dealer and may not be left unattended while at the table.

(d) A shaker and ten dice shall be present at the High Roll Dice table for gaming.

#### § 675a.4. Procedure for completion of each round of play.

(a) After all players have placed their wagers, the dealer shall announce "no more bets" and if any player placed an Extra Roll Wager use the electronic device to prevent the placement of additional Extra Roll Wagers. If any Extra Roll Wagers have been made, the dealer shall collect the wagers and place them in the table inventory container.

(b) The dealer shall cover and shake the shaker containing the dice at least three times to cause a random mixture of the dice. The dealer shall then simultaneously throw the dice into the throw box. A roll of the dice shall be invalid if any of the dice go off the table or if one die comes to rest on top of the other.

(c) In the event any of the dice do not land flat on the table (for example, one edge of the die is resting cocked on a stack of chips), the side directly opposite the side that is resting on the chips or other object shall be considered uppermost or skyward. If more than one side of a die is resting on a stack of chips or other object, the roll shall be void and the dice shall be placed back in the throw cup, shaken and rethrown.

(d) When the dice come to rest from a valid throw, the dealer shall call out which die of the highest value occurs the most.

(e) After the first roll, the dealer shall announce to the players the matching dice of the highest value. After announcing the winning combination, the dealer shall move all matching dice of the highest value into the corresponding box on the throw box layout. For example, if there were four 5s, three 6s and two 1s and one 4, the dealer shall move the four 5s into the box on the throw layout labeled "Five." To move the dice to the designated area on the throw box layout, the dealer shall leave the dice exposed and may not cover the dice or impede surveillance's ability to view the dice at any time the dice are on the throw box layout.

(f) The dealer shall then settle each player's first roll wagers as follows:

(1) The dealer shall collect the player's losing Pip Street Wagers and pay out all winning Pip Street Wagers in accordance with § 675a.5(a) (relating to payout odds). For example, if a player placed a Pip Street Wager on the 5 die and the 2 die and the dealer threw four 5s, three 6s and two 1s and one 4, the dealer shall collect the losing Pip Street Wager placed on the 2 die and pay out the winning Pip Street Wager placed on the 5 die.

(2) For the Like Kind Wager, if a player:

(i) Did not place an Extra Roll Wager, the dealer shall collect the player's losing Like Kind Boulevard Wagers and pay out any Like Kind Boulevard Wagers in accordance with § 675a.5(b). For example, if the dealer threw four 5s, three 6s and two 1s and one 4, the dealer shall collect all Like Kind Wagers that were not placed on the four-of-a-kind circle and pay out any winning wagers that were placed on the four-of-a-kind circle.

(ii) Also placed an Extra Roll Wager, the dealer shall pay out any winning Like Kind Boulevard Wagers in accordance with § 675a.5(b) and collect a player's losing Like Kind Boulevard Wagers that have no possibility of winning with an extra roll. For example, if a player wagered on the three-of-a-kind, a four-of-a-kind and a five-of-a-kind and a four-of-a-kind was thrown on the first throw, the dealer shall pay the winning four-of-a-kind, collect the Like Kind Wager placed on the three-of-a-kind and leave the player's wager on the five-of-a-kind on the table layout until it is resolved in accordance with subsection (g).

(3) The dealer shall then settle the player's Millionaire Row Wagers by collect any losing wagers and pay out any winning wagers in accordance with § 675a.5(c). For example, if nine matching dice were thrown on the first throw, the dealer shall collect all Millionaire Row Wagers that were not placed on the nine-of-a-kind and pay out any winning Millionaire Row Wagers that were placed on the nine-of-a-kind circle.

(g) If any player placed an Extra Roll Wager, the dealer shall then collect all dice except those of the highest value that were placed on a designated number on the throw box layout and place them in the shaker. For example, if the dealer threw three 6s, three 4s, two 2s and two 1s in the first throw, the three 6s would be placed on the "Six" in the throw box layout. The dealer would collect the three 4s, two 2s and the two 1s, place them in the shaker, shake and throw the remaining dice in accordance with subsections (b) and (c).

(h) When the dice come to rest from a valid throw, the dealer shall call out the number of additional dice that match the highest number of matched dice thrown in the first throw. For example, if after the first throw three 6s were placed on the "Six" in the throw box layout and on the second throw an additional two 6s were thrown, the extra roll would result in a total of a five-of-a-kind. The dealer shall collect any losing Like Kind Boulevard Wager and pay out any winning Extra Roll Wagers, or Second Roll Wagers, in accordance with § 675a.5(d), provided that if a player was paid out on a winning Like Kind Wager after the first roll, the player may not be paid out on the second roll for the same number. For example, if a player placed a winning Like Kind Wager on the four-of-a-kind and if no additional matching dice were thrown on the second roll, the player may not be paid out for the four-of-a-kind for the Extra Roll Wager.

#### § 675a.5. Payout odds.

(a) The certificate holder shall pay out winning Pip Street Wagers at the following odds:

*Die Value with Most Matches*

	<i>Payout Odds</i>
Two	6 to 1
Three	6 to 1
Four	5 to 1
Five	4 to 1
Six	4 to 1
One/ace	3 to 1

(b) The certificate holder shall pay out winning Like Kind Wager at the following odds:

	<i>Payout Odds</i>
Eight-of-a-kind	5,000 to 1
Seven-of-a-kind	400 to 1
Six-of-a-kind	30 to 1
Five-of-a-kind	4 to 1
Four-of-a-kind	1 to 1
Three-of-a-kind	3 to 5
Two-of-a-kind	12 to 1

(c) The certificate holder shall pay out winning Millionaire Row Wagers at the following odds:

	<i>Payout</i>
Ten-of-a-kind	\$1,000,000
Nine-of-a-kind	\$50,000

(d) The certificate holder shall pay out winning Extra Roll (Second Roll) Wagers at the following odds:

	<i>Payout Odds</i>
Eight-of-a-kind	50 to 1
Seven-of-a-kind	10 to 1
Six-of-a-kind	4 to 1
Five-of-a-kind	2 to 1
Four-of-a-kind	1 to 1
Three-of-a-kind	6 to 1

### CHAPTER 676a. GO FORE IT

Sec.

- 676a.1. Definitions.
- 676a.2. Go Fore It table physical characteristics.
- 676a.3. Cards; number of decks.
- 676a.4. Opening of the table for gaming.
- 676a.5. Shuffle and cut of the cards.
- 676a.6. Go Fore It rankings.
- 676a.7. Wagers.
- 676a.8. Procedure for dealing the cards from a manual dealing shoe.
- 676a.9. Procedure for dealing the cards from the hand.
- 676a.10. Procedures for dealing the cards from an automated dealing shoe.
- 676a.11. Procedures for completion of each round of play.
- 676a.12. Payout odds.
- 676a.13. Irregularities.

#### § 676a.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Albatross*—All four of the player's cards with a total point value of 8 or less.

*Back 9 Wager*—An additional wager that a player shall make to remain in play after the player reviews the first two cards of his hand.

*Birdie*—All four of the player's cards with a total point value of between 14 and 18.

*Eagle*—All four of the player's cards with a total point value of between 9 and 13.

*Fold*—The withdrawal of a player from a round of play by not making a Back 9 Wager.

*Front 9 Wager*—A wager that a player shall make to participate in a round of play.

*Gopher Wager*—An optional wager that a player's four cards will contain an ace.

*Hand*—The four-card hand that is held by each player and the dealer after the cards are dealt.

*Hole cards*—Two of the player's four cards dealt face down that are not viewed until after the dealer exposes his hand.

*Par*—All four of the player's cards with a total point value of between 19 and 24.

*Skins Wager*—An optional wager a player may make to compete against the dealer's four cards.

**§ 676a.2. Go Fore It table physical characteristics.**

(a) Go Fore It shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for Go Fore It shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Separate betting areas designated for the placement of the Skins, Gopher, Front 9 and Back 9 Wagers for each player.
- (3) Inscriptions that advise patrons of the payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds for all permissible wagers shall be posted at each Go Fore It table.
- (4) An inscription indicating that the Skins Wager will be lost if the dealer's hand and the player's hand ties. If the information is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Go Fore It table.

(c) Each Go Fore It table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Go Fore It table must have a discard rack securely attached to the top of the dealer's side of the table.

**§ 676a.3. Cards; number of decks.**

(a) Except as provided in subsection (b), Go Fore It shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Go Fore It may be played with two decks of cards in accordance with the following requirements:

- (1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.
- (2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.
- (3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.
- (4) The cards from only one deck shall be placed in the discard rack at any given time.

(c) The decks of cards used in Go Fore It shall be changed at least every:

- (1) Four hours if the cards are dealt by hand.

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

**§ 676a.4. Opening of the table for gaming.**

(a) After receiving one deck or two decks of cards at the table, the dealer shall inspect the cards for defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 676a.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

**§ 676a.5. Shuffle and cut of the cards.**

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with § 676a.8, § 676a.9 or § 676a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover



card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Go Fore It table which is open for gaming, the cards shall be spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 676a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (d)—(f) do not apply.

#### § 676a.6. Go Fore It rankings.

The point value assigned to the cards used in Go Fore It shall be:

<i>Card</i>	<i>Point Value</i>
Ace	1
Jack, queen, king	10
2 through 10	Face value

#### § 676a.7. Wagers.

(a) Wagers at Go Fore It shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Go Fore It table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Back 9 Wager, shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedure in § 676a.8, § 676a.9 or § 676a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 676a.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

(d) The following wagers may be placed in the game of Go Fore It:

(1) A Front 9 Wager, which is required to participate in a round of play.

(2) A Back 9 Wager equal to the player's Front 9 Wager which is required to continue in the round of play after the player views his first to cards.

(3) An optional Skins Wager to compete against the total point count of the dealer's hand.

(4) A Gopher Wager that the player's four cards will contain an ace.

(e) A player may not wager on more than one player position at a Go Fore It table.

#### § 676a.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 676a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards, the dealer shall announce “no more bets” and starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required Front 9 Wager in accordance with § 676a.7(d)(1) (relating to wagers) until each player who placed the required Front 9 Wager and the dealer has four cards. The first two cards dealt to the player shall be placed in front of the player. The second two cards dealt to the player shall be dealt behind the front two cards and shall be the player's hole cards. Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(c) After two stacks of two cards have been dealt to each player and four cards to the dealer, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

#### § 676a.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 676a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to

use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(b) Prior to dealing the cards, the dealer shall announce "no more bets" and starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required Front 9 Wager in accordance with § 676a.7(d)(1) (relating to wagers) until each player who placed the required Front 9 Wager and the dealer has four cards. The first two cards dealt to the player shall be placed in front of the player. The second two cards dealt to the player shall be dealt behind the front two cards and shall be the player's hole cards.

(c) After two stacks of two cards have been dealt to each player and four cards to the dealer, except as provided in subsection (d), the dealer shall remove the stub from the manual dealing shoe and place the stub in the discard rack without exposing the cards.

(d) If the automated card shuffling device does not count the number of cards in the deck after the completion of each shuffle and indicate whether 52 cards are present, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 676a.10. Procedures for dealing the cards from an automated dealing shoe.**

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 676a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the dealer delivering any stacks of cards dispensed by the automated dealing shoe, the dealer shall announce "no more bets."

(b) The dealer shall deliver the first stack of four cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed the required Front 9 Wager in accordance with § 676a.7(d)(1) (relating to wagers). The dealer shall then move the top two cards and place them face down behind the player's front two cards. The top two cards shall be the player's hole cards. Moving clockwise around the table, as the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall repeat the dealing procedure outlined above to each of the other players who has placed a Front 9 Wager in accordance with § 676a.7(d)(1). The dealer shall then deliver a stack of four cards face down as the dealer's hand.

(c) After each stack of four cards has been dispensed and delivered in accordance with subsection (b), the

dealer shall remove the remaining cards from the automated dealing shoe and, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If the automated card shuffling device does not count the number of cards in the deck after the completion of each shuffle and indicate whether 52 cards are present, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

**§ 676a.11. Procedures for completion of each round of play.**

(a) After the dealing procedures required under § 676a.8, § 676a.9 or § 676a.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine the player's closest two cards subject to the following limitations:

(1) Each player who wagers at a Go Fore It table shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(b) After each player has examined his first two cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table ask each player if he wishes to make a Back 9 Wager in an amount equal to the player's Front 9 Wager or fold and forfeit the player's Front 9 Wager.

(c) After each player who placed a Front 9 Wager has either placed a Back 9 Wager on the designated area of the layout or forfeited his Front 9 Wager, the dealer shall collect all forfeited Front 9 Wagers and if the player:

(1) Did not place a Skins or Gopher Wager, collect the player's cards and place them face down in the discard rack.

(2) Placed a Gopher or Skins Wager, the dealer shall collect the player's four cards and place them face down under the player's Skins or Gopher Wagers until settled in accordance with subsection (d).

(d) The dealer shall then reveal the dealer's four cards and place them face up on the layout. After the dealer's cards are turned face up, the dealer shall, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, complete the following applicable procedures in succession for each player:

(1) The dealer shall turn the four cards of each player who placed a Back 9, Skins or Gopher Wager face up on the layout.

(2) The dealer shall add together the point value of all four of the player's cards.

(3) For all players who placed Front 9 and Back 9 Wagers, if the total point value of all four cards:

(i) Is equal to or less than par, the player shall be paid out on a winning Front 9 Wager in accordance with § 676a.12(a) (relating to payout odds) and a winning Back 9 Wager in accordance with § 676a.12(b).

(ii) Is greater than par, the dealer shall collect the player's losing Front 9 and Back 9 Wagers.

(4) For all players who placed a Skins Wager, if the total point value of the player's hand:

(i) Is equal to or greater than the total point value of the dealer's hand, the dealer shall collect the player's losing Skins Wager.

(ii) Is less than the total point value of the dealer's hand, the dealer shall pay the winning Skins Wager in accordance with § 676a.12(c).

(5) For all players who placed a Gopher wager, if any of the player's four cards:

(i) Is not an ace, the dealer shall collect the player's losing Gopher Wager.

(ii) Is an ace, the dealer shall pay the player's winning Gopher Wager in accordance with § 676a.12(d).

(e) After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

#### § 676a.12. Payout odds.

(a) A certificate holder shall pay winning Front 9 Wagers at odds of 1 to 1.

(b) A certificate holder shall pay winning Back 9 Wagers in accordance with the following odds:

<i>Hand-Total Point Value</i>	<i>Payout</i>
Albatross (8 or less)	25 to 1
Eagle (9—13)	5 to 1
Birdie (14—18)	2 to 1
Par (19—24)	1 to 1

(c) A certificate holder shall pay winning Skins Wagers at odds of 1 to 1.

(d) A certificate holder shall pay winning Gopher Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Number of Aces</i>	<i>Paytable A</i>	<i>Paytable B</i>
4	1,000 to 1	1,000 to 1
3	50 to 1	50 to 1
2	5 to 1	6 to 1
1	2 to 1	2 to 1

#### § 676a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the dealer's cards or the player's hole cards are inadvertently exposed prior to each player having either folded or placed a Back 9 Wager as provided under § 676a.11 (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

[Pa.B. Doc. No. 15-1411. Filed for public inspection July 31, 2015, 9:00 a.m.]



# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### GOVERNOR'S OFFICE

#### [ 4 PA. CODE CH. 1 ]

### Executive Orders, Management Directives, and Other Issuances of the Directives Management System Indexed for Reference Purposes

The Index of Issuances is being updated to reflect changes since 44 Pa.B. 5046 (July 26, 2014). This amendment adds new issuances, amends and rescinds others. Recipients of publications listed in this index should be kept informed of the status of these publications.

SHARON P. MINNICH,  
*Secretary of Administration*

(*Editor's Note:* This Index of Issuances is published under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code). This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)

This manual provides a complete listing of issuances, specified in Title 4 of the *Pennsylvania Code* § 1.2, from the Governor's Office and from agencies under the Governor's jurisdiction, except proclamations and press releases, that are intended for distribution to two or more agencies following the procedures for publication of issuances in Management Directive 210.1, Directives Management System.

The manual will be amended to reflect the latest issuances, and published annually in Title 4 of the *Pennsylvania Code* § 1.4 at the end of each fiscal year.

This amendment updates the index for all executive orders, management directives, and manuals issued, amended, and rescinded between July 1, 2014 and June 30, 2015.

Individuals should subscribe to receive e-Alerts to receive notification of published issuances. For questions regarding the Directives Management System, contact OA, EB-DMS.

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This manual replaces, in its entirety, Manual 210.3 dated July 1, 2014. This manual includes all new and amended issuances through June 30, 2015.

#### How to Use Index:

- o Executive orders are by year of issuance.
- o Management directives and manuals are numbered in sequence by category (e.g., Financial Management) and subcategory (e.g., Payroll).
- o All documents preceded by the letter "M" are manuals.
- o Documents that have been rescinded are indicated as rescinded.
- o Amendments are presented as complete documents that incorporate all changes since the last issuance.
- o Revisions which generally affect older issuances are pen and ink changes or replacement pages and affect only those parts of an issuance being changed. Therefore the issuance changed by a revision will be in more than one document because there will be original issuance and any revision.

**Fiscal Note:** GOV-15-210.3. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

#### Subchapter A. DIRECTIVES MANAGEMENT SYSTEM

#### § 1.4 Index of Issuances.

		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
<i>Executive Orders</i>			
1973-9	Environmental Protection By State Agencies . . . . .	7/13/1973	
1974-11	Governor's Interdepartmental Council on Seasonal Farmworkers . . . . .	11/2/1978	
1975-5	Commitment Toward Equal Rights . . . . .	9/19/1978	
1975-6	Preservation of Historic Resources . . . . .	5/6/1975	
1977-4	Compliance with Section 504 of the Rehabilitation Act of 1973 (P. L. 93-112) . . . . .	8/3/1977	
1977-5	Implementation of Act No. 1976-101 . . . . .	9/27/1977	
1978-4	Flood Plain Management . . . . .	3/1/1978	
1978-9	Public Information Policies and Practices . . . . .	5/23/1978	
1978-19	Access by Handicapped Individuals to Meeting Locations . . . . .	12/19/1978	

		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
<i>Executive Orders</i>			
1979-10	Commonwealth Child Development Committee.....	7/25/1979	
1979-13	Governor's Office of Policy and Planning.....	9/18/1979	
1980-3	Life Cycle Costing .....	2/8/1980	
1980-4	Golden Keystone Discount Card Program.....	2/27/1980	
1980-5	Task Force on Employment Services to Displaced Homemakers .....	2/28/1980	
1980-7	Small Business Service Center.....	2/29/1980	
1980-18	Code of Conduct .....	5/16/1984..	1-3 (4 Rescinded)
1980-20	Pennsylvania Coastal Zone Management Program.....	9/22/1980	
1981-3	Scheduling of Bond and Note Issue Sales .....	1/30/1981	
1981-4	Federal Program Coordination .....	2/9/1981	
1981-6	Pennsylvania Department of Health Advisory Board of Arthritis.....	5/22/1981	
1981-13	Governor's Committee on Employment of the Handicapped .....	10/19/1981	
1983-1	Transfer of Cresson Center to the Bureau of Correction.....	1/4/1983	
1984-3	Accounting and Financial Reporting.....	10/11/1984	
1986-1	Commonwealth Single Audit Coordinator .....	2/24/1986	
1986-2	Task Force on Special Supplemental Food Program for Women, Infants, and Children (WIC).....	4/22/1986	
1986-5	Standby Allocations of the Volume Cap Under the Tax Reform Act of 1986 ...	10/2/1986	
1986-7	Liquor Control Board Sunset: Privatization of State Liquor Monopoly; Transfer of Liquor Control Board Functions .....	12/1/1986	
1987-1	1987 Allocations of the Unified Volume Cap Under the Tax Reform Act of 1986.....	1/7/1987	
1987-2	Permanent Transfer of Retreat State Hospital to the Department of Corrections.....	1/16/1987	
1987-3	Transfer of Waynesburg Youth Development Center to the Department of Corrections.....	Rescinded by EO2013-02—3/18/2013	
1987-7	State Inspector General .....	4/6/1987	
1987-8	Pennsylvania Emergency Response Commission.....	4/20/1987	
1987-9	Allocation of State Low-Income Housing Credit Authority Under the Internal Revenue Code of 1986.....	4/22/1987	
1987-10	Highway Safety.....	11/25/1992	
1987-12	Cultural Advisor to the Governor.....	5/27/1987	
1987-19	Delegation to Department of Environmental Resources in Compliance with Federal Low-Level Radioactive Waste Policy Amendments Act .....	12/21/1987	
1988-4	Coordination of Food and Nutrition Programs; Appointment of the Advisor to the Governor on Food and Nutrition Programs and the Inter-Agency Council on Food and Nutrition .....	4/7/1988.....	1
1988-8	Pennsylvania State Data Center .....	7/12/1988	
1989-3	Master Leasing Program .....	3/2/1989	
1989-8	Municipal Waste Reduction and Planning Program.....	10/17/1989	
1990-1	Municipal Waste Transportation Enforcement Program.....	3/14/1990	
1990-3	Contractor Responsibility Program .....	6/29/1990	
1990-4	UNITED STATES BRIG NIAGARA—"Flagship of Pennsylvania".....	8/17/1990	
1990-7	Interagency River Island Task Force .....	10/17/1990 .....	1
1991-5	Environmental Training Partnership .....	4/22/1991	
1992-1	Records Management .....	1/8/1992	
1993-2	Civil Disorder and Emergency .....	4/9/1993	
1993-3	State Land Use Planning—Goals and Objectives for Commonwealth Agencies	8/31/1993	

		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
<i>Executive Orders</i>			
1993-4	State Center for Health Statistics and Research.....	10/13/1993	
1994-1	State Commission on National and Community Service.....	1/28/1994	
1994-2	Governor's Office of PennPORTS.....	3/29/1994	
1994-4	Governor's Committee on Education Standards and Assessment.....	5/18/1994	
1994-5	Nursing Home Loan Agency's Authorization to Sell Loans.....	11/4/1994	
1995-1	Judicial Appointments.....	2/27/1995	
1995-2	Drug Policy Planning Coordination.....	12/19/1997	
1995-4	Monitoring Supplies of Petroleum Products.....	7/10/1995	
1995-5	Money-Back Guarantee Permit Review Program for the Department of Environmental Protection.....	Rescinded by EO2012-11—7/24/2012	
1995-6	Governor's Community Partnership for Safe Children.....	9/14/1995	
1995-7	Governor's Executive Council on Recycling Development and Waste Reduction.....	10/11/1995	
1995-8	Governor's Advisory Commission on Public School Finance.....	10/11/1995	
1995-10	Governor's Sports and Exposition Facilities Task Force.....	10/27/1995	
1996-1	Regulatory Review and Promulgation.....	2/6/1996	
1996-2	Implementation of the IMPACCT Commission Recommendations.....	4/19/1996	
1996-5	Municipal Waste Facilities Review Program.....	8/29/1996	
1996-6	Governor's Advisory Commission on Academic Standards.....	9/30/1996	
1996-7	Pennsylvania Center for Environmental Education.....	12/20/1996	
1996-10	State Employee Assistance Program.....	12/20/1996	
1996-13	Commonwealth of Pennsylvania's Policy on Substance Abuse in the Workplace.....	12/20/1996	
1997-1	Governor's Travel and Tourism Council.....	3/17/1997	
1997-2	Developmental Disabilities Council.....	5/30/1997	
1997-5	Governor's Advisory Council on Physical Fitness and Sports.....	9/24/1997	
1998-1	Governor's Green Government Council.....	3/25/1998	
1998-3	The Pennsylvania Greenways Partnership Commission.....	8/16/2001	
1999-1	Land Use Planning.....	1/7/1999	
1999-4	Pennsylvania Justice Network (JNET) Governance Structure.....	Rescinded by EO2014-02—3/18/2014	
1999-5	Rescission of Executive Order 1980-13.....	12/9/1999	
2000-2	Pennsylvania Workforce Investment Board.....	2/14/2000	
2001-1	Directives Management System.....	2/13/2001	
2001-2	State Employee Combined Appeal.....	2/14/2001	
2002-2	Governor's Task Force on Early Childhood Care and Education.....	7/15/2002	
2002-4	Prohibition of Sexual Harassment in the Commonwealth.....	5/3/2002	
2002-5	Disability-Related Policy.....	5/3/2002	
2002-6	PA Open for Business.....	6/6/2002	
2002-7	Integrating Mediation Into State Government.....	6/14/2002	
2002-8	Governor's Interagency Task Force on Energy.....	7/18/2002	
2002-13	Proposed Keystone Opportunity Improvement Sub-zones.....	12/31/2002	
2003-1	Commonwealth's Health Care Reform Agenda.....	Rescinded by EO2014-05—7/31/2014	
2003-2	Agricultural Land Preservation Policy.....	3/20/2003	
2003-3	Management and Productivity Improvement Initiative.....	Rescinded by EO2012-04—3/22/2012	



		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
<i>Executive Orders</i>			
2003-4	Workplace Policy for HIV/AIDS .....	5/5/2003	
2003-5	Upper Delaware Federal Scenic River .....	6/22/2003	
2003-6	Pennsylvania Commission for Women .....	Rescinded by EO2012-06—4/30/2012	
2003-7	Governor's Advisory Commission on African American Affairs .....	Rescinded by EO2012-08—4/30/2012	
2003-8	Governor's Advisory Commission on Asian American Affairs .....	Rescinded by EO2012-07—4/30/2012	
2003-9	Governor's Advisory Commission on Latino Affairs .....	Rescinded by EO2012-10—7/9/2012	
2003-10	Equal Employment Opportunity .....	7/28/2003	
2003-12	Governor's Cabinet on Children and Families .....	9/18/2003	
2003-13	Governor's Advisor for Hunting, Fishing and Conservation; Governor's Advisory Council for Hunting, Fishing and Conservation; Governor's Youth Council for Hunting, Fishing and Conservation .....	Rescinded by EO2012-02—2/15/2012	
2004-1	Governor's Invasive Species Council .....	9/18/2006	
2004-2	Utilization of Commonwealth-Owned and Leased Space .....	2/18/2004	
2004-3	Pennsylvania Business Tax Reform Commission .....	3/4/2004.....	1
2004-4	Anti-Sweatshop Procurement Policy .....	3/18/2004	
2004-5	Pennsylvania Energy Development Authority .....	4/8/2004	
2004-6	Minority and Women-Owned Business Opportunities .....	1/17/2011	
2004-7	Financial Education and Literacy .....	4/29/2004	
2004-11	Pennsylvania Election Reform Task Force .....	12/13/2004	
2004-12	Energy Management and Conservation in Commonwealth Facilities .....	12/15/2004	
2005-4	Proposed Economic Development District .....	7/14/2005	
2005-8	Governor's Renewable Agricultural Energy Council .....	9/20/2005	
2006-1	Commonwealth Continuity of Government Steering Committee .....	Rescinded by EO2012-05—4/30/2012	
2006-2	Contract Compliance .....	1/31/2006	
2006-7	Governor's Pandemic Advisory Council .....	7/27/2006	
2006-8	Contractor Social Responsibility and Offshore Services .....	9/14/2006	
2006-9	Governor's Cabinet for People with Disabilities—Governor's Advisory Committee for People with Disabilities .....	11/21/2006	
2006-10	Strategic Development Areas .....	12/22/2006	
2006-11	Governor's Dog Law Advice Group .....	12/22/2006	
2007-01	Strategic Development Area, Butler County .....	4/24/2007	
2007-02	Strategic Development Area, Westmoreland County .....	4/30/2007	
2007-03	Commonwealth Automotive Fleet Efficiency Initiative .....	5/9/2007	
2007-04	Office of Health Equity .....	5/21/2007	
2007-05	Chronic Care Management, Reimbursement and Cost Reduction Commission .....	5/21/2007	
2007-06	Registered Family Child Care Providers .....	6/14/2007	
2007-07	Subsidized Child Care Providers Exempt From Certification or Regulation ...	6/14/2007	
2007-08	Strategic Development Area, Lehigh County .....	9/6/2007	
2007-09	Governor's Advisory Council On Rural Affairs .....	10/2/2007	
2007-10	Pennsylvania Homeland Security and Emergency Preparedness Organizational Structure .....	Rescinded by EO2012-03—2/22/2012	

		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
<i>Executive Orders</i>			
2008-02	Sustainable Water Infrastructure Task Force .....	4/28/2008	
2008-04	Pennsylvania All-Hazard Incident Management (PA-IMT3) .....	5/13/2008	
2008-06	Office of Diversity Management.....	4/15/2010	
2008-07	Early Learning Council.....	9/11/2008	
2008-08	Early Learning Investment Commission .....	7/27/2010	
2008-09	Governor's Food Safety Council .....	Rescinded/Obsolete	1/24/2012
2010-02	Creation of the Commonwealth Health Care Reform Implementation Committee and the Commonwealth Health Care Reform Implementation Advisory Committee .....	Rescinded by EO2014-05—7/31/2014	
2010-03	Pennsylvania-Produced Agricultural Products Program .....	9/14/2010	
2010-05	Leasing of State Forest and State Park Land for Oil and Gas Development ..	Rescinded by EO2014-03—5/23/2014	
2011-03	Public Private Partnership .....	5/3/2011	
2011-04	Pennsylvania eHealth Collaborative.....	Rescinded by EO2014-05—7/31/2014	
2011-05	Enterprise Information Technology Governance .....	7/27/2011	
2011-06	Commonwealth Licensee Tax Responsibility Program.....	9/15/2011	
2011-07	Pennsylvania Dairy Leadership Council .....	9/28/2011	
2011-08	Interagency Coordination Advisory Group for Economic Development .....	10/6/2011	
2011-09	Small Business Procurement Initiative .....	11/21/2011	
2011-10	Veteran-Owned Small Business Procurement Initiative .....	12/7/2011	
2011-11	Office of City Receiver—Harrisburg .....	Terminated	3/1/2014
2012-01	Advisory Commission on Postsecondary Education .....	Terminated	11/15/2012
2012-02	Governor's Advisory Council for Hunting, Fishing and Conversation .....	2/15/2012	
2012-03	Pennsylvania Homeland Security .....	2/22/2012	
2012-04	Governor's Innovation Office.....	Rescinded by EO2015-04—2/5/2015	
2012-05	Commonwealth Continuity of Government.....	4/30/2012	
2012-06	Pennsylvania Commission for Women .....	4/30/2012	
2012-07	Governor's Advisory Commission on Asian American Affairs.....	4/30/2012	
2012-08	Governor's Advisory Commission on African American Affairs .....	4/30/2012	
2012-09	Sunset Task Force .....	Terminated	5/11/2013
2012-10	Governor's Advisory Commission on Latino Affairs .....	7/9/2012	
2012-11	Permit Decision Guarantee for the Department of Environmental Protection .	7/24/2012	
2012-12	Pennsylvania Military Community Protection Commission .....	9/17/2012	
2012-13	Extension of Deadline for Absentee Ballot Applications for General Election of 2012.....	Terminated	11/16/2012
2012-14	Extension of Deadline for Completion and Receipt of Absentee Ballots .....	Terminated	11/16/2012
2012-15	Restoration of Electrical Power to all Facilities Providing Critical Services to the Homeless and Displaced Commonwealth Citizens from the Effects of Hurricane Sandy .....	Terminated	11/16/2012
2012-16	Absentee Ballot Procedures for Emergency Responders .....	Terminated	11/16/2012
2013-01	As Amended—The Pennsylvania Alzheimer's Disease Planning Committee...	Terminated	2/7/2014
2013-02	Rescission of Executive Order 1987-3 Transfer of Waynesburg Youth Development Center to the Department of Corrections .....	3/18/2013	
2013-03	Governor's Advisory Council on Veterans Services .....	11/11/2013	
2014-01	Pennsylvania Long-Term Care Commission .....	Terminated	12/31/2014
2014-02	Pennsylvania Justice Network (JNET) Governance Structure .....	3/18/2014	

		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
<i>Executive Orders</i>			
2014-03	Leasing of State forest and State Park Land for Oil and Gas Development . . .	Rescinded by EO2015-03—1/29/2015	
2014-04	Transition Period for the Pennsylvania Health Care Cost Containment Council . . . . .	7/1/2014	
2014-05	Rescission of: Executive Order 2003-1, Executive Order 2010-02 As Amended, and Executive Order 2011-04 . . . . .	7/31/2014	
2014-06	Interoperable Public Safety and Emergency Communications Governance . . . .	12/2/2014	
2015-01	Executive Branch Employee Gift Ban . . . . .	1/20/2015	
2015-02	Competitive Process for Procurement of Legal Services . . . . .	1/20/2015	
2015-03	Leasing of State Forest and State Park Land for Oil and Gas Development . .	1/29/2015	
2015-04	Governor's Office of Transformation, Innovation, Management and Efficiency ("GO TIME") . . . . .	2/5/2015	
2015-05	Participant-Directed Home Care Services . . . . .	2/27/2015	
2015-06	State Emergency Operations Plan . . . . .	4/16/2015	

*Management  
Directives  
and  
Manuals*

*Date of  
Original  
or Latest  
Amendment*      *Current  
Revisions*

**BUDGET**

**General**

105.1	Allocation and Allotment of Funds for ICS Transactions . . . . .	10/22/1984	
105.2	Contingent Commitments . . . . .	7/2/1985	
105.4	Allocation and Allotment of Funds for Non-ICS Transactions . . . . .	10/22/1984	
105.5	Use of the Determination of Tax-Exempt Category for Capital Projects Form .	9/12/1991	

**Budget Preparation**

110.2	Request for Approval of Federal Funds . . . . .	1/14/1985	
110.3	Budgeting and Accounting for Federal Appropriations . . . . .	5/29/1985	

**Manuals.**

M110.1	2015-16 Budget Instructions . . . . .	8/14/2014	
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**MANAGEMENT/ADMINISTRATIVE SUPPORT**

**General**

205.4	Delegation of Authority to Sign and Delegation to Authorize SAP Payments . .	5/11/2009	
205.6	Defense of Suits Against Commonwealth Employees . . . . .	9/30/1986	
205.9	Code of Conduct Statement of Financial Interest—Filing . . . . .	12/11/2013	
205.10	Financial Disclosures Required by the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1101—1113 . . . . .	12/11/2013	
205.12	Financial Disclosures Required of Former Employees by the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1101—1113 . . . . .	3/27/2014	
205.14	Prohibition of Activities Not Specifically or Directly Connected With the Official Business of the Commonwealth on Commonwealth Property . . . . .	11/21/2011	
205.15	Memberships in Associations, Organizations, or Societies . . . . .	2/9/2006	
205.16	Compliance With the Whistleblower Law, Act 1986-169, As Amended . . . . .	9/17/2014	
205.18	Ballot Question Advocacy by Executive Branch Employees, Appointees, and Officials . . . . .	4/11/1988	
205.20	Documents and Evidence Relating to Asbestos in Commonwealth Buildings . .	Rescinded/Obsolete 3/20/2013	
205.21	Commonwealth Child Care Program . . . . .	4/8/2013	
205.22	Recycling, Waste Reduction and Procurement of Environmentally Preferable Products . . . . .	9/19/2014	
205.23	Submission of Commonwealth Publications to the State Library for Distribution to Other Designated Libraries . . . . .	7/13/2012	



<i>Management Directives and Manuals</i>		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
205.24	Display of Flags on Commonwealth Buildings and Grounds .....	10/12/2011	
205.25	Disability-Related Employment Policy .....	2/13/2009	
205.26	The Americans With Disabilities Act of 1990, Title II, Subtitle A, Nondiscrimination in State and Local Government Services .....	7/22/1992	
205.27	Implementation of Act 194-1990, Asbestos Occupations Accreditation and Certification Act .....	6/20/2011	
205.31	Pro Bono Publico Legal Services .....	2/11/1999	
205.32	Hiring/Contracting Sign Language Interpreters/Translitterators .....	9/12/2014	
205.33	Workplace Violence .....	6/16/2014	
205.34	Commonwealth of Pennsylvania Information Technology Acceptable Use Policy .....	11/17/2011	
205.35	Information Reporting From the Commonwealth's Enterprise SAP Business Information Warehouse System .....	5/2/2011	
205.36	Right-to-Know Law Compliance .....	3/18/2010	
205.37	Role Assignment, Security, and Internal Control Maintenance .....	3/25/2013	
205.38	Emergency Evacuation and Safe Assembly .....	1/31/2014	
205.39	Use of Complete Physical Street Addresses For Department of General Services Owned or Administered Buildings .....	Rescinded/Obsolete 5/30/2014	
205.40	Commonwealth Branding .....	5/15/2012	
205.41	Commonwealth of Pennsylvania Continuity of Operations (COOP) Program ..	2/16/2011	
205.42	Social Media .....	2/6/2012	
205.43	Quality Assurance for Business Productivity Tools .....	6/25/2014	
<b>Management Programs</b>			
210.1	Directives Management System .....	5/2/2011	
210.4	Central Microfilm Management .....	11/18/2002	
210.5	The Commonwealth of Pennsylvania State Records Management Program ...	7/29/2010	
210.6	Selection, Acquisition and Use of Filing Equipment .....	9/16/2002	
210.8	Micrographics Procedures to be Used in Conjunction With Central Microfilm Management .....	11/18/2002	
210.11	Acceptance of Imaged Documents .....	6/16/1997	
210.12	Electronic Commerce Initiatives and Security .....	12/23/2010	
<b>Manuals.</b>			
M210.1	The Commonwealth of Pennsylvania Employee Records Management Manual .....	5/20/2010	
M210.3	Index of Issuances .....	7/1/2014	
M210.4	Forms Management .....	8/16/1983 .....	1-2
M210.5	Standard (STD) Forms Management .....	9/15/1998	
M210.6	Publications Management .....	8/1/1984 .....	1
M210.7	State Records Management Manual .....	6/8/2004	
M210.8	Vital Records Disaster Planning .....	5/9/1995	
M210.9	The Commonwealth of Pennsylvania General Records Retention and Disposition Schedule .....	6/16/2014	
<b>Contracts Management</b>			
215.8	Contractor Integrity Provisions for Commonwealth Contracts .....	1/14/2015	
215.9	Contractor Responsibility Program .....	10/25/2010	
215.12	Provisions Concerning The Americans With Disabilities Act .....	10/14/2011	
215.13	Contract Provision for Donation of Excess Prepared Food .....	10/12/2011	
215.16	Contract Compliance Program .....	2/24/2015	

*Management  
Directives  
and  
Manuals**Date of  
Original  
or Latest  
Amendment**Current  
Revisions***Manuals.**

M215.3 Field Procurement Handbook ..... 2/24/2015  
(Current publication available at: <http://www.dgs.pa.gov>)

**Central Services**

220.1 Commonwealth Media Services ..... 1/14/2008  
220.9 Publication Services ..... 11/25/2013  
220.11 Preservation of Commonwealth Deeds ..... 3/7/2013

**Travel and Expenses**

230.6 Travel Expenses of Job Applicants ..... 11/1/2011  
230.7 Remittance of Witness Fees ..... 8/6/2010  
230.10 Commonwealth Travel Policy ..... 11/1/2011—Effective 1/1/2012

**Manual.**

M230.1 Commonwealth Travel Procedures Manual ..... 11/1/2011—Effective 1/1/2012

**Information Technology Management**

240.7 Submission of Changes to the Commonwealth Telephone Directory ..... 8/18/2008  
240.11 Commonwealth Wireless Communication Device Policy ..... 4/11/2012  
240.12 Commonwealth of Pennsylvania Mobile Devices Security Policy ..... 12/29/2008  
245.12 Implementation of the Data Center Project Plan ..... Rescinded/Obsolete 4/30/2012  
245.13 Strategic Direction for Information Technology Investments ..... 2/8/2006  
245.15 Pennsylvania Statewide Radio Network ..... 1/14/2015  
245.16 Pennsylvania Justice Network (JNET) Governance Structure ..... 3/18/2014  
245.18 IT Administrator Acceptable Use, Auditing and Monitoring, Incident  
Notification, and Response Policies and Procedures ..... 2/7/2006  
245.19 Enterprise Technology Security Council ..... 5/3/2006

**Public Information Programs**

250.1 Advertisement of Public Meetings ..... 2/14/2013

**Organization and Space Management**

260.1 Reorganization Requests ..... 6/21/2013  
260.2 Reorganization Plans for Transfers of Functions Between Agencies ..... Rescinded by  
MD260.1—11/8/2012

**Manual.**

M260.1 Manual For Space Utilization ..... 3/11/2004

**FINANCIAL MANAGEMENT****General**

305.2 Standard Check Endorsement Procedure ..... 5/22/2009  
305.3 Responsibilities of Comptroller Operations ..... 12/15/2010  
305.4 Payments to Counties ..... 10/3/2012  
305.5 Cash Management ..... 5/22/2009  
305.6 Withholding Payments to Municipalities (Act No. 166 of 1978) ..... 5/1/1997  
305.7 Interest Penalties for Late Payments ..... 3/10/2014  
305.8 Commonwealth Bank Accounts and Special Banking Services ..... 6/11/1997  
305.10 Receipt of Federal Funds by Wire Transfer ..... 1/23/1989  
305.11 Depositing Checks, Money Orders and Cash ..... 4/23/2012  
305.12 Accounting, Reporting, and Cash Management of Federal Grants and  
Contracts ..... 1/25/1999  
305.15 Processing and Distributing Returned Checks ..... 8/30/1989  
305.16 Lobbying Certification and Disclosure ..... 7/3/2003

<i>Management Directives and Manuals</i>		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
305.19	Identification of Boards, Commissions, Councils, Advisory Committees, and Authorities.....	2/18/2014	
305.20	Grant Administration .....	5/26/2000	
305.21	Payments to Local Governments and Other Subrecipients .....	9/23/2005	
305.22	Commonwealth Licensee Tax Responsibility Program.....	11/14/2011	
<b>Accounting</b>			
310.1	Fiscal Guidelines for Federal Reimbursement of Disaster Related Expenditures.....	1/5/1983	
310.3	Encumbering and Lapsing of Appropriations .....	5/4/1998.....	1
310.9	Purpose and Use of Restricted Receipt and Restricted Revenue Accounts.....	4/8/2013	
310.10	Collection, Referral, and Compromise, or Write-Off of Delinquent Claim .....	11/18/2011	
310.11	Payment and Financial Reporting Requirements for Non-Preferred Appropriations .....	1/19/1982.....	1
310.12	Refunding Erroneously Collected Fees and Charges .....	4/30/1982	
310.13	Responsibilities for Comprehensive Annual Financial Reporting .....	12/21/2012	
310.14	General Capital Asset and Other Fixed Asset Accounting and Reporting in SAP .....	2/3/2003	
310.15	Agency Federal ID Numbers .....	6/7/1996	
310.16	Advancement Account Balances .....	Rescinded/Obsolete	1/3/2012
310.19	Accounting for Disbursement of Funds for Interagency Agreements, Memorandums of Understanding, and Notifications of Subgrant .....	10/27/2010	
310.20	Charging Equipment Expenditures to Federal Programs.....	8/31/1994	
310.23	Commonwealth Purchasing Card Program.....	4/5/2013	
310.24	Accepting Debit/Credit Cards for Commonwealth Revenues .....	9/3/2008	
310.25	Transfers of Revenue or Expenses in SAP.....	1/10/2011	
310.26	Vendor Data Management Unit (VDMU) for Agencies Using SAP.....	9/18/2009	
310.27	Month-End Closing Processes .....	12/14/2005	
310.28	Use of One-Time Vendor Records in SAP .....	6/16/2006	
310.29	Using Value (Service) Date in SAP .....	6/10/2009	
310.30	Pennsylvania Electronic Payment Program (PEPP).....	5/22/2009	
310.31	Purchase Order Receiving, Invoice Processing and Invoice Reconciliation Processes .....	5/11/2009	
310.32	Voyager Fleet Card Invoice Processing for Agencies Using SAP.....	7/20/2009	
310.33	Processing Electronic Invoices in SAP .....	8/21/2009	
310.34	Use of Agency-Level Dun & Bradstreet Data Universal Numbering System (DUNS) Numbers in Applications for Federal Grants and Cooperative Agreements .....	9/18/2009	
310.36	Identifying, Recording, and Reporting Computer Software as a Capital Asset.	12/10/2009	
310.37	Approving, Monitoring, and Accounting for New Information Technology Application Projects .....	7/20/2012	
<b>Manuals.</b>			
M310.1	Agency Operated Advancement Accounts .....	8/11/1999	
M310.2	Definitions of Major and Minor Objects of Expenditures .....	8/26/1998.....	1
M310.3	Manual of Accounting .....	7/17/1996	
<b>Payroll</b>			
315.1	Calculation and Payment of Statutory Salaries.....	1/3/2011	
315.6	Employees' Requests for State or Federal Income Tax Withholding .....	5/24/2011	
315.8	Restitution of Overpayments and Collection of Employee Debts .....	6/16/2014	



<i>Management Directives and Manuals</i>		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
315.9	Withholding of Delinquent Local Taxes from Employees' Paychecks . . . . .	8/30/2011	
315.11	Distribution and Retention of Payroll Deduction Authorization Documents	Rescinded/Obsolete 8/6/2012	
315.13	Payment of Wages, Salary, Employee Benefits, and Travel Expense Reimbursements Due Deceased Employees . . . . .	2/6/2014	
315.14	Maintenance Charges for Employees Residing or Subsisting in Commonwealth Facilities . . . . .	10/16/2013	
315.15	Withholding of Pennsylvania Higher Education Assistance Agency Loans from Employee Pay . . . . .	8/30/2011	
315.16	Payment of Annuitant Medical and Hospital Benefits . . . . .	6/21/2013	
315.17	Direct Deposit of Pay and Travel Reimbursement . . . . .	2/11/2013	
315.20	Taxability of the Use of State-Provided Vehicles . . . . .	5/1/2013	
315.22	Preparation and Filing of Federal Forms 1099 and 1096 . . . . .	1/3/1995	
315.25	Pennsylvania Personal Income Tax . . . . .	11/22/2011	
315.26	Backup Withholding on Missing and/or Incorrect Taxpayer Identification Numbers . . . . .	1/24/1994 . . . . .	1
315.27	Recoupment of Conversion Pay Amounts . . . . .	5/4/1992	
315.28	Taxability of State-Provided Parking . . . . .	2/1/2011	
<b>Audits</b>			
325.2	Audit Inquiry Relative to Agency Litigation, Claims, and Assessments . . . . .	12/17/2014	
325.3	Performance of Audit Responsibilities . . . . .	1/10/2011	
325.5	State Level Single Audit Costs . . . . .	8/17/2009	
325.6	Auditing Computer-Based Systems . . . . .	1/10/2011	
325.7	Implementation of the Commonwealth's State-Level Single Audit . . . . .	12/17/2014	
325.8	Remedies for Recipient Noncompliance with Audit Requirements . . . . .	12/17/2014	
325.9	Processing Audits of Federal Pass-Through Funds . . . . .	12/23/2014	
325.10	Review of Auditor General, Treasury, Legislative Budget and Finance Committee, and Other Audit Reports . . . . .	8/27/2009	
325.11	Evaluating Agency Internal Controls and Financial Risk through Self Assessment . . . . .	5/17/2012	
325.12	Standards for Internal Controls in Commonwealth Agencies (Effective July 1, 2015) . . . . .	12/17/2014	
<b>EQUAL EMPLOYMENT OPPORTUNITY (EEO)</b>			
<b>Equal Employment Opportunity Programs</b>			
410.10	Guidelines for Investigating and Resolving Internal Discrimination Complaints . . . . .	12/5/2012	
410.11	Commonwealth's Equal Employment, Outreach, and Employment Counseling Program . . . . .	5/8/1997	
<b>Manual.</b>			
M410.3	Guidelines for Equal Employment Opportunity Plans and Programs . . . . .	12/18/2007	
<b>EMPLOYEE DEVELOPMENT AND UTILIZATION</b>			
<b>General</b>			
505.1	Employee Furlough Policy . . . . .	2/16/2006	
505.2	Salaried Complement Management and Control . . . . .	8/7/2014	
505.4	Salaried Complement Control . . . . .	Rescinded by MD505.2—8/7/2014	
505.7	Personnel Rules . . . . .	11/9/2010	
505.8	Transmittal of Personnel Action Notifications . . . . .	Rescinded/Obsolete—1/14/2015	
505.9	Standard Abbreviations for Use With the Compensation Plan and SAP R/3 System . . . . .	3/11/2004	

<i>Management Directives and Manuals</i>		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
505.11	Emergency Assignments of Employees During Emergencies .....	6/17/1998	
505.15	Employee Mobility Information Program .....	4/12/2012	
505.18	Maintenance, Access, and Release of Employee Information .....	9/23/2014	
505.20	Wage Complement Management and Control .....	12/27/2011	
505.21	Office Hours .....	1/19/2000	
505.22	State Employee Assistance Program .....	4/2/2003	
505.23	Employee Recognition Program .....	7/31/2012	
505.25	Substance Abuse in the Workplace .....	11/29/2004	
505.26	HIV/AIDS and Other Bloodborne Infections/Diseases in the Workplace .....	12/11/2013	
505.27	Worker and Community Right-to-Know .....	5/5/2014	
505.28	Family Care Account Program .....	8/22/2013	
505.30	Prohibition of Sexual Harassment in Commonwealth Work Settings .....	6/19/2002.....	1
505.31	Domestic Violence and the Workplace .....	Rescinded by MD205.33—6/16/2014	
505.32	Governor's Awards for Excellence .....	11/17/2010	
505.33	Working From Home During Emergencies Including a Pandemic Influenza Event .....	8/20/2007	
505.34	Commercial Driver License Drug and Alcohol Testing Requirements .....	7/25/2013	
<b>Manuals.</b>			
M505.2	Personnel Management Review .....	7/9/1997	
M505.3	State Employee Assistance Program .....	11/29/2004	
M505.4	Personnel Records Retention and Disposition Schedule .....	12/7/1998	
M505.5	Commercial Driver License Drug and Alcohol Testing and Related Procedures .....	7/25/2013	
M505.6	An Agency Guide to Workplace Violence Prevention and Response .....	6/16/2014	
<b>Employment</b>			
515.2	Transfer of Employees From One Agency to Another .....	6/16/2000	
515.3	Classified Service Emergency Appointments .....	9/3/2008	
515.4	Seniority Rights of Commonwealth Employees .....	7/12/2006	
515.10	Selection and Appointment to Non-Civil Service Positions .....	2/16/2006	
515.12	Confidential Employees .....	9/28/2004	
515.15	Identification, Employment, and Education Verification Checks .....	6/13/1997	
515.16	Appointment to Senior Level Positions .....	2/14/2006	
515.18	Supplementary Employment .....	3/7/2013	
515.20	Reemployment of Commonwealth Annuitants .....	2/21/2002	
515.21	Commonwealth School-to-Work Program .....	2/14/2006	
<b>Classification</b>			
520.3	Unclassified Codes .....	7/10/2012	
520.4	Position Classification Post-Audits .....	11/21/2011	
520.5	Centralized Job Control System .....	3/25/2013	
520.6	Position Classification .....	4/15/2013	
520.7	Development and Validation of Job Standards .....	6/12/2012	
520.8	Pay Action Effective Dates for Changes to Position Classifications and the Commonwealth's Classification and Compensation Plan .....	11/2/2012	
520.9	Appointments Above the Minimum .....	10/21/2014	
520.10	Position Descriptions .....	10/23/2014	

<i>Management Directives and Manuals</i>		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
<b>Pay</b>			
525.4	Temporary Assignment in Higher Classification .....	5/3/2013	
525.6	Payroll Advances .....	9/16/2013	
525.11	Dual Employment .....	2/10/1997	
525.12	Payment of Back Pay Due to Reinstatement of a Separated Employee or Reduction of Disciplinary Suspension .....	8/9/2012	
525.13	Maintenance of Weighted Salaries.....	Rescinded/Obsolete	5/22/2012
525.15	Overtime.....	2/10/1997	
525.16	Physicians and Related Occupations Quality Assurance Program .....	2/14/2006	
525.17	Internal Revenue Service Levies on Wages, Salary, and Other Income or Payments .....	6/28/1991	
525.20	Implementation & Maintenance of Local Service Tax .....	10/10/2008	
<b>Benefits</b>			
530.1	Agency Benefit Coordinators.....	6/29/2015	
530.2	Sick Leave Without Pay, Parental Leave Without Pay, and Family Care Leave Without Pay .....	Rescinded/Obsolete	8/14/2013
530.4	State Paid Benefits While on Sick, Parental, or Family Care Leave Without Pay.....	Rescinded/Obsolete	8/14/2013
530.8	Motor Vehicle Financial Responsibility Law.....	4/25/2014	
530.9	Social Security Records.....	1/12/2015	
530.10	Administrative Leave to Compete in International and World Championships	7/20/2010	
530.11	Benefit Rights of Permanent and Temporary Employees .....	7/25/2006	
530.15	Disability Benefits, Related Pay Status Options, and Retired Employee Health Program (REHP) Effective Dates .....	Rescinded by MD530.24—	7/25/2013
530.17	Partial and Full Day Closings of State Offices.....	5/25/2010	
530.18	Benefit Rights of Furloughed Employees.....	8/27/2009	
530.20	State Paid Benefits While on Cyclical Leave Without Pay.....	Rescinded/Obsolete	9/21/2012
530.21	Paid Absence for Blood Donation .....	4/8/2010	
530.22	Unemployment Compensation, Noncovered Employment—"Major Nontenured Policymaking or Advisory Positions" .....	11/20/1996	
530.23	State Employee Combined Appeal.....	10/21/2014	
530.24	Retired Employees Health Program .....	7/25/2013	
530.26	Military Leaves of Absence .....	9/3/2008	
530.27	Leave Related Policies for Employees Excluded From Earning Leave and Leave Service Credit.....	2/7/1997	
530.28	Pennsylvania Employees Benefit Trust Fund (PEBTF).....	Rescinded/Obsolete	9/20/2012
530.29	Commuter Benefits Program.....	5/20/2009	
530.30	Sick, Parental and Family Care Absence, Military Exigency Absence and Military Caregiver Absence Policy .....	12/11/2013	
530.31	Workplace Safety and Health Program .....	1/2/2013	
530.32	Group Life Insurance Program.....	9/19/2013	
<b>Manuals.</b>			
M530.2	Injury Leave Manual.....	11/29/2001.....	1
M530.3	Group Life Insurance Program Manual.....	9/19/2013	
M530.4	Commonwealth of Pennsylvania Highlights of State Employee Benefits .....	Rescinded/Obsolete	2/21/2012
M530.7	Absence Program .....	4/23/2009	
M530.9	Unemployment Compensation Insurance .....	12/7/1998	

<i>Management Directives and Manuals</i>		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
M530.15	Pennsylvania State Police Administrative Manual Health Benefits Program..	7/20/2010	
M530.16	Temporary Clerical Pool Agency User Manual.....	10/1/1999	
M530.17	Temporary Clerical Pool Employee Handbook .....	10/1/1999	
M530.18	The Benefits of a "Healthy" Sick Leave Balance .....	Rescinded/Obsolete	3/5/2012
M530.21	State Employee Combined Appeal Procedures Manual .....	10/21/2014	
<b>Training</b>			
535.1	Employee Training and Development .....	5/1/2015	
535.2	Physicians and Related Occupations Specialty Board Certification Payments ..	2/21/2006	
535.3	Out-Service Training .....	11/16/1999	
535.4	Use of State Work Program Trainee, County Work Program Trainee, Public Services Trainee and County Public Services Trainee Classes .....	7/19/2012	
535.5	Use of Trainee Classes in the Classified Service .....	10/8/2004	
535.6	Commonwealth Management Development Program .....	2/9/2000	
535.7	Annual Agency Training Plan and Report .....	7/8/1999	
535.9	Physical and Information Security Awareness Training .....	10/3/2006	
<b>Performance Evaluations</b>			
540.7	Performance Management Program .....	5/2/2011	
<b>Retirement</b>			
570.1	Mandatory Membership in the State Employees' Retirement System.....	4/7/2014	
570.5	Employer Contributions Required on the Purchase of Previously Uncredited State Service .....	4/7/2014	
570.6	Optional Membership in State Employees' Retirement System .....	4/7/2014	
570.8	Reinstatement of Terminated Employees Into the State Employees' Retirement System .....	4/7/2014	
570.9	Reinstatement of Furloughed or Otherwise Terminated and Reemployed Employees in the State Employees' Retirement System.....	4/7/2014	
570.11	Amending Data in Retirement and Personnel/Payroll System and Collecting Arrears Balances .....	4/7/2014	
570.12	Furloughed State Employees Retirement System Members' Right to Earn Interest on Member Contributions .....	4/7/2014	
570.13	State Employees' Retirement System, Regional Counseling Centers.....	4/7/2014	
570.14	Deferred Compensation Program .....	4/7/2014	
570.15	Reporting Potential Public Employee Pension Forfeiture Crimes to the State Employees' Retirement System .....	4/7/2014	
570.16	State Employees' Retirement System, Duties of Departments and Agencies ..	4/7/2014	
<b>Civil Service</b>			
580.2	Civil Service Availability Survey/Interview Notice .....	6/20/2014	
580.6	Tabulation of Classified Service Employees .....	6/16/2006	
580.8	Classified Service Probationary Periods .....	6/14/2013	
580.10	Conducting Interviews for Classified Service Positions .....	8/15/2013	
580.11	Documentation of Classified Service Personnel Actions .....	6/27/2006	
580.12	Recruitment for Classified Service Positions .....	3/28/2007	
580.13*	Report of Personnel Transactions for Non-State Employees .....	9/16/2011	
580.15	Selective Certification of Classified Service Eligibles.....	4/11/2012	
580.16	Provisional Employment in the Classified Service .....	11/16/2006	
580.18	Pennsylvania Residency Requirements for the Classified Service .....	8/31/2011	
580.19	Promotion in the Classified Service Without Examination.....	8/31/2009	
580.21	Veterans' Preference on Classified Service Employment Certifications.....	2/16/2011	



<i>Management Directives and Manuals</i>		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
580.23	Resignation From and Reinstatement to the Classified Service .....	7/22/2013	
580.24	Promotion of Employees in Unskilled Positions Into the Classified Service ...	9/14/2006	
580.25	Political Activities of Classified Service Employees .....	10/7/2011	
580.26	Transfer or Reassignment of Classified Service Employees .....	6/29/2010	
580.27	Limited Appointments to Positions Exempted from the Classified Service Pursuant to Section 3(c)(4), Civil Service Act .....	10/28/2009	
580.28	Reallocation to a Lower Class in the Classified Service .....	3/30/2011	
580.30	Civil Service Leave of Absence and Return Rights .....	9/7/2010	
580.31	Classified Service Temporary Appointments.....	8/14/2006	
<b>*Special Distribution</b>			
580.32	Substitute Employment in the Classified Service .....	10/24/2006	
580.33	Reproductions of Documents for Classified Service Personnel Actions .....	4/30/2009	
580.34	Removal of Eligibles for Certification or Appointment in the Classified Service .....	6/20/2014	
580.35	Employees Placed in the Classified Service by Position Reallocation .....	8/29/2011	
580.37	Promotion by Appointment and Temporary Higher-Level Assignment of Unclassified Service Employees into the Classified Service.....	7/26/2012	
580.38	Use of Intern Job Titles in the Classified Service.....	10/8/2004	
<b>Manuals.</b>			
M580.1	Certification of Eligibles for the Classified Service.....	Rescinded/Obsolete	6/30/2014
M580.2	Furlough of Classified Service Employees Not Covered by Labor Agreements.	5/16/2014	
<b>Labor Relations</b>			
590.1	Labor Relations.....	11/27/2007	
590.2	Confidential Positions and Employees .....	3/8/2006	
590.3	Deduction of Union Dues/Fair Share Fees .....	5/22/2006	
590.5	Guidelines to be Followed During Legal or Illegal Strikes.....	5/25/2006	
590.7	Labor Relations—Grievance Administration.....	6/8/2006	
590.8	Classification Grievance Processing .....	7/9/2012	
<b>SUPPLIES, SERVICES, AND EQUIPMENT</b>			
<b>Supplies and Equipment Acquisition/Disposition</b>			
610.4	Procedures for Purchasing Goods and Services Not Exceeding \$1,500 Through Advancement Accounts.....	Rescinded/Obsolete	1/3/2012
<b>Automotive Services</b>			
615.1	Commonwealth Temporary Transportation Vehicles .....	2/27/2013	
615.15	Vehicle Parking License Agreements .....	10/26/2006	
615.16	Commonwealth Fleet Policy .....	11/10/2011	
<b>Manuals.</b>			
M615.3	Commonwealth Fleet Procedures Manual.....	11/10/2011	
<b>Commodity Standards</b>			
620.1	Coal Sampling and Reporting.....	10/4/2005	
<b>Buildings, Property, and Real Estate</b>			
625.1	Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services .....	10/4/2004	
625.2	Inventory of Commonwealth Real Property .....	9/16/2008	
625.3	Moving Employee Household Goods and Commonwealth Property .....	3/14/1996	
625.4	Enforcement of Fire and Panic Regulations .....	3/27/1991	
625.5	Reporting Surplus Real Property.....	5/6/1996	

<i>Management Directives and Manuals</i>		<i>Date of Original or Latest Amendment</i>	<i>Current Revisions</i>
625.6	Leasehold Improvements .....	5/1/2009	
625.7	Use of Form STD-291, Request for Lease Action and Budget Approval .....	11/6/1997	
625.8	Contracting for Bargaining Unit Work .....	2/25/1994	
625.9	Payment of Contractors and Design Professionals for Agency-Funded Construction Projects Undertaken by the Department of General Services ..	Rescinded by MD310.9—4/8/2013	
625.10	Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings .....	6/2/2014	
<b>Bonds and Insurance</b>			
630.1	Agency Insurance Coordinators .....	Rescinded/Obsolete 2/7/2013	
630.2	Reporting of Employee Liability Claims .....	5/15/2013	
<b>COMMONWEALTH PROGRAMS</b>			
<b>Protection and Safety</b>			
720.2	Wage Standards Picketing .....	2/3/1977	
720.4	Safety and Loss Prevention Program .....	Rescinded/Obsolete 2/7/2013	
720.5	Energy Conservation and Electrical Devices in Commonwealth-Owned or Leased Buildings .....	7/25/2008	
720.6	Call Trace Procedures for Threatening, Harassing, and Nuisance Telephone Calls .....	9/28/2005	
720.7	Bomb Threats and Suspicious Packages .....	7/29/2010	

[Pa.B. Doc. No. 15-1412. Filed for public inspection July 31, 2015, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending July 21, 2015.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-10-2015	Republic First Bank Philadelphia Philadelphia County	780 Route 70 West Evesham Burlington County, NJ	Opened
7-10-2015	Republic First Bank Philadelphia Philadelphia County	220 North Route 73 Berlin Camden County, NJ	Opened

#### Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
7-15-2015	The Dime Bank Honesdale Wayne County  Amendment to Article Third of the institution's Articles of Incorporation to be amended and restated in its entirety.	Filed

### CREDIT UNIONS

No activity.

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 15-1413. Filed for public inspection July 31, 2015, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Execution of Oil and Gas Lease for Publicly-Owned Streambeds

Effective June 22, 2015, an Oil and Gas Lease for Publicly-Owned Streambeds, Contract No. M-2102018-20, was executed by and between the Commonwealth of Pennsylvania, acting through the Department of Conservation and Natural Resources (Department) (lessor) and Inflection Energy (PA) LLC (lessee), with its principal

place of business located at 1099 18th Street, Suite 3100, Denver, CO 80202-1908.

The lease is for Streambed Tract 2018, encompassing approximately 174 acres of submerged lands located in Eldred, Fairfield, Upper Fairfield, Gamble, Loyalsock, and Plunketts Creek Townships and Montoursville Borough, Lycoming County. A Memorandum of Lease was recorded at the Lycoming County Courthouse on July 1, 2015, book no. 8664, pages 45—48. The lease allows for the development of oil and natural gas below and between the ordinary low water marks of Loyalsock Creek solely by means of directional, including horizontal, drilling on a nondevelopment basis that will not disturb the river or its bed. Contract No. M-2102018-20 may be viewed online at <http://contracts.patresury.gov/View.aspx?ContractID=316576>.

Questions regarding this lease should be directed to the Department's Bureau of Forestry, Minerals Division, (717) 787-2703.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 15-1414. Filed for public inspection July 31, 2015, 9:00 a.m.]

## DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

### Pennsylvania Advisory Council on Drug and Alcohol Abuse Meeting

The Pennsylvania Advisory Council on Drug and Alcohol Abuse (Council) will hold a public meeting on August 12, 2015, from 1 p.m. to 3:30 p.m. The meeting will be held at the Child Welfare Resource Center, 403 East Winding Hill Way, Mechanicsburg, PA 17055, (717) 795-

9048. The meeting is open to the public. For additional information, visit the Department of Drug and Alcohol Programs' (Department) web site at [www.ddap.pa.gov](http://www.ddap.pa.gov).

The primary focus of this Council meeting is for the Council members to meet to discuss current drug and alcohol issues and challenges facing this Commonwealth and to serve in an advisory capacity to the Department on these issues.

For additional information, visit the Department's previously listed web site or contact Ann Catalano at (717) 214-1937.

Persons with disabilities who wish to attend the meeting and requiring an auxiliary aid, service or other accommodation should contact Ann Catalano at (717) 214-1937.

This meeting is subject to cancellation without notice.

GAROLD E. TENNIS, Esq.,  
*Secretary*

[Pa.B. Doc. No. 15-1415. Filed for public inspection July 31, 2015, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit



applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### **I. NPDES Renewal Applications**

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0081949 (Sew)	West Earl Sewer Authority 157 West Metzler Road Brownstown, PA 17508	Lancaster County/ West Earl Township	Conestoga River/7J	Y
PA0070378 (Sew)	Blue Mountain Academy 2363 Mountain Road Hamburg, PA 19526	Berks County/ Tilden Township	UNT Mill Creek/3B	Y

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0036846 (Sewage)	New Berlin Municipal Authority Wastewater Treatment Plant 710 Water Street New Berlin, PA 17855-8046	Union County New Berlin Borough	Penns Creek (6-A)	Y

*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0042161 (Sewage)	Green Haven Estates STP E Shaffer Road Aliquippa, PA 15001	Beaver County Raccoon Township	Unnamed Tributary to Raccoon Creek (20-D)	Y
PA0253774 (Sewage)	Hill Properties LLC SFTF 300 Alton Hill Drive Eighty Four, PA 15330	Washington County Somerset Township	North Branch Pigeon Creek (19-C)	Y
PA0094676 (Sewage)	Twin Lakes Center 224 Twin Lake Road Somerset, PA 15501	Somerset County Somerset Township	East Branch Coxes Creek (19-F)	Y
PA0094757 (Sewage)	Lake Cresson Manor STP 177 Chestnut Street Gallitzin, PA 16641	Cambria County Allegheny Township	Clearfield Creek (8-C)	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0222798 (Sewage)	Westline Inn 15 El Day Drive Westline, PA 16740-2821	McKean County Lafayette Township	Unnamed tributary to Kinzua Creek (16-B)	Y
PA0045039 (Sewage)	Oil Creek State Park 305 State Park Road Oil City, PA 16301-9733	Venango County Cornplanter Township	Oil Creek (16-E)	Y

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**PA0111422**, Sewage, SIC Code 4952, **Thompsons town Borough Municipal Authority Juniata County**, P O Box 154, Thompsonstown, PA 17094-0154. Facility Name: Thompsonstown STP. This existing facility is located in Delaware Township, **Juniata County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Delaware Creek, is located in State Water Plan watershed 12-B and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	42	67	XXX	25	40	50
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	50	75	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Total Mo Report Total Mo	Report Total Annual	XXX	Report	XXX	XXX
Total Nitrogen Effluent Net	XXX	974 Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Nitrogen Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	17	XXX	XXX	10	XXX	20
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	Report Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus Effluent Net	XXX	7,032 Total Annual	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	Report Total Annual	XXX	XXX	XXX	XXX

In addition, the permit contains the following major special conditions:

- This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorous effluent mass limits, under the Department's Trading of Nutrients and Sediment reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006.) The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

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*Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Application No. PA0229121**, Concentrated Animal Feeding Operation (CAFO), **Donald G. Cotner** (Don Cotner Farms), 127 Rushtown Road, Danville, PA 17821.

Donald G. Cotner has submitted an application for an Individual NPDES permit for an existing CAFO known as Don Cotner Farms, located in Rush Township, **Northumberland County**.

The CAFO is situated near Carbon Run in Watershed 6-B, which is classified for Cold Water Fishes and Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 1,403.18 animal equivalent units (AEUs) consisting of 467,728 layers. Manure is handled dry in four houses and manure storage shed. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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*Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**PA0026913**, Sewage, SIC Code 4952, **Municipal Authority of the City of McKeesport**, 100 Atlantic Avenue, McKeesport, PA 15132. Facility Name: McKeesport City Municipal Authority. This existing facility is located in the City of McKeesport, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Monongahela River, is located in State Water Plan watershed 19-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 13 MGDs.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	2,710	4,120	XXX	25	38	50
		Wkly Avg			Wkly Avg	
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	3,252	4,878	XXX	30	45	60
		Wkly Avg			Wkly Avg	
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
UV Transmittance (mjoules/cm <sup>2</sup> )	XXX	XXX	XXX	Report	Report	XXX
					Wkly Avg	
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	Report	Report	XXX
Nov 1 - Apr 30	XXX	XXX	XXX	Report	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- The Authority is authorized to discharge through various Combined Sewer Overflows (CSOs) in accordance with their approved CSO Long Term Control Plan.

The EPA Waiver is not in effect.

**PA0002437**, Industrial Waste, SIC Code 3312, **Shenango Inc.**, 200 Neville Road, Pittsburgh, PA 15225-1620. Facility Name: Shenango Inc. Neville Coke Plant. This existing facility is located in Neville Township, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream(s), Ohio River and Unnamed Stream, is located in State Water Plan watershed 20-G and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 5.83 MGDs.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.25
Temperature (°F)	XXX	XXX	XXX	XXX	110	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Total Antimony	XXX	XXX	XXX	Report	Report	XXX
Total Cadmium	XXX	XXX	XXX	Report	Report	XXX
Free Available Cyanide	XXX	XXX	XXX	0.28	0.56	0.70
Fluoride	XXX	XXX	XXX	Report	Report	XXX
Total Lead	XXX	XXX	XXX	Report	Report	XXX
Total Silver	XXX	XXX	XXX	Report	Report	XXX
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.032	0.050	0.080
3,3-Dichlorobenzidine						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.008	0.012	0.020
Pentachlorophenol	XXX	XXX	XXX	Report	Report	XXX
Acrolein						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.089	0.138	0.223
Acrylonitrile						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.019	0.030	0.048
Hexachlorobenzene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0001	0.0002	0.0003
Benzo(a)Anthracene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0014	0.0022	0.0035
Benzo(a)Pyrene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0014	0.0022	0.0035
Benzo(k)Fluoranthene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0014	0.0022	0.0035
3,4-Benzofluoranthene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0014	0.0022	0.0035
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX
Bis(2-Chloroethyl)Ether						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.011	0.017	0.028
Chrysene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0014	0.0022	0.0035
Dibenzo(a,h)Anthracene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX



<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
(Final)	XXX	XXX	XXX	0.0014	0.0022	0.0035
Dinitrotoluene, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.018	0.029	0.045
Indeno(1,2,3-cd)Pyrene						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0014	0.0022	0.0035
N-Nitrosodimethylamine						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0026	0.0040	0.0065
N-Nitrosodi-N-Propylamine						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.002	0.003	0.005
Vinyl Chloride						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.009	0.015	0.023

The proposed effluent limits for Outfall 101 are based on a design flow of 0.382 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Total Suspended Solids	309	596	XXX	29.71	72.81	91.01
Oil and Grease	25.7	77.0	XXX	7.76	14.34	17.93
Ammonia-Nitrogen	215	646	XXX	97.2	291.6	364.5
Total Cyanide						
(Interim)	5.86	8.94	XXX	4.93	7.35	9.19
(Final)	6.78	10.2	XXX	4.88	7.25	9.06
Benzo(a)Pyrene						
(Interim)	0.014	0.026	XXX	0.01297	0.02325	0.02906
(Final)	0.017	0.031	XXX	0.01297	0.02325	0.02906
Naphthalene						
(Interim)	0.015	0.026	XXX	0.01307	0.02344	0.0293
(MGD) (Final)	0.017	0.031	XXX	0.01307	0.02344	0.0293
Total Phenolics	3.53	10.6	XXX	1.6	4.8	6.0

The proposed effluent limits for Outfall 201 are based on a design flow of 0.1742 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.0	1.25
Temperature (°F)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	75

The proposed effluent limits for Outfall 301 are based on a design flow of 0.0387 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.0	1.25
Total Suspended Solids	XXX	XXX	XXX	30	60	75

The proposed effluent limits for Outfall 401 are based on a design flow of 0.0678 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Temperature (°F)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 501 are for coal pile runoff.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	50	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	Report	XXX
Alkalinity, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	Report	XXX
Alkalinity, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Chromium	XXX	XXX	XXX	Report	Report	XXX
Total Copper	XXX	XXX	XXX	Report	Report	XXX
Dissolved Iron	XXX	XXX	XXX	Report	7.0	XXX
Total Iron	XXX	XXX	XXX	Report	Report	XXX
Total Lead	XXX	XXX	XXX	Report	Report	XXX
Total Manganese	XXX	XXX	XXX	Report	Report	XXX
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Zinc	XXX	XXX	XXX	Report	Report	XXX
Total Phenolics	XXX	XXX	XXX	Report	Report	XXX
Hardness, Total (as CaCO <sub>3</sub> )	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.0005 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Debris collected on the intake rack shall not be returned to the waterway.						

The proposed effluent limits for Outfalls 007 and 008 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Arsenic	XXX	XXX	XXX	XXX	Report	XXX
Total Cadmium	XXX	XXX	XXX	XXX	Report	XXX
Total Chromium	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Cyanide	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Benzo(a)Pyrene	XXX	XXX	XXX	XXX	Report	XXX
Naphthalene	XXX	XXX	XXX	XXX	Report	XXX
Total Phenolics	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

A Toxics Reduction Evaluation for new water quality-based effluent limits; cooling water intake structure informational requirements; storm water conditions

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**WQM Permit No. 5215401**, Sewage, **Pocono Lakefront, LLC**, 40 Warren Street, Patterson, NJ 07524.

This proposed facility is located in Palmyra Township, **Pike County**.

Description of Proposed Action/Activity: This application is for an extended aeration wastewater treatment plant and sewage collection system to serve a proposed 218 unit townhouse development to be known as Pocono Lakefront. The

existing wastewater treatment plant and collection system that served the former White Beauty View Resort at this same location will be completely demolished and replaced as part of this project. The treated effluent from the proposed wastewater treatment plant will continue to be discharged to Lake Wallenpaupack through the existing outfall structure located approximately 800 northwest of the intersection of State Route 0507 and Yacht Club Drive.

**WQM Permit No. 3915201**, Industrial Waste, **Nestle Purina Petcare Company**, 2050 Pope Road, Allentown, PA 18104-9308.

This existing facility is located in South Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: Revisions were made to this project application that was originally published in the *Pennsylvania Bulletin* on April 25, 2015. The primary treatment facility will be relocated to an existing reconstructed utility building. The existing 17,000 gallon duplex centrifugal underground pump station will continue to collect wastewater and discharge to a new manhole before flowing by gravity through a 10" SDR 35 PVC pipe to the new duplex submersible influent pump station.

Two new rotary drum screens, a solids hopper, and three new screw pumps will dispose of incoming solids. Two new jet-mixed 50,000 gallon equalization tanks, two new 20,000 gallon solids/sludge storage tanks, two Gas-Energy Mixing dissolved air flotation systems, and associated appurtenances will be constructed in the new primary treatment facility. Effluent from primary treatment will flow by gravity in a 10" PVC pipe to a new pump station at the existing secondary treatment facility. A new valve pit will divert the effluent to one of two existing lagoons.

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Dr, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

**WQM Permit No. 6315401 A-1**, Sewage, **Mid Mon Valley Water Pollution Control Authority**, P. O. Box 197, Allentown, PA 15412-197.

This existing facility is located in Allentown Borough, **Washington County**.

Description of Proposed Action/Activity: Renovation and modifications of existing Pump Station No. 5 including replacing the capacity of the existing pumps with new pumps, installing a grinder unit, and modifying the existing structure.

**WQM Permit No. 1115402**, Sewage, **City of Johnstown**, 401 Main Street, Johnstown, PA 15901.

This proposed facility is located in City of Johnstown, **Cambria County**.

Description of Proposed Action/Activity: Proposed construction of sewer rehabilitation project to correct existing defective sanitary sewers in the Cambria City, Coopersdale, and Minersville Areas of the City of Johnstown.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a potential funding source.

**WQM Permit No. 1115402**, Sewage, **City of Johnstown**, 401 Main Street, Johnstown, PA 15901.

This proposed facility is located in City of Johnstown, **Cambria County**.

Description of Proposed Action/Activity: Proposed construction of sewer rehabilitation project to correct existing defective sanitary sewers in the Cambria City, Coopersdale, and Minersville Areas of the City of Johnstown.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a potential funding source.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. 3301402 A-2**, Sewage, **Big Run Area Municipal Authority**, P. O. Box 477, Big Run, PA 15715.

This existing facility is located in Big Run Borough, **Jefferson County**.

Description of Proposed Action/Activity: Improvements to existing wastewater treatment plant.

**WQM Permit No. 6215406**, Sewage, **Alan Thompson**, 101 Chapman Road, Warren, PA 16365.

This proposed facility is located in Glade Township, **Warren County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 2515405**, Sewage, **Mark Marshall**, 3813 Williams Rd, Erie, PA 16510.

This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 2515404**, Sewage, **John Kleiner**, 3777 Williams Rd, Erie, PA 16510.

This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 2515406**, Sewage, **Garth Mathe**, 3749 Williams Road, Erie, PA 16510.

This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

**WQM Permit No. 2515407**, Sewage, **Christopher Carpin**, 3715 William Road, Erie, PA 16510.

This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

## VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023914022(1)	Daniel Marcante Hospital Central Services Coop, Inc. 2171 28th Street Allentown, PA 18103	Lehigh	City of Allentown	Trout Creek (HQ-CWF, MF)

*Susquehanna County Conservation District, 88 Chenango Street, Montrose, PA 18801*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025815001	Leatherstocking 49 Court Street Binghamton, NY 13902	Susquehanna	New Milford	Salt Lick Creek (HQ-CWF, MF) Meylert Creek (HQ-CWF, MF) Wellmans Creek (HQ-CWF, MF) Smith Creek (HQ-CWF, MF)

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Jefferson County Conservation District, 1514 Route 28, Brookville, PA 15825*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063315002	PennDOT District 10-0 2550 Oakland Avenue PO Box 429 Indiana, PA 15701	Jefferson	Punxsutawney Borough	Mahoning Creek WWF

## STATE CONSERVATION COMMISSION

### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.



**APPLICATIONS  
NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Wingert Farms William & Karol Wingert 5497 Shade Lane Alexandria, PA 16611	Huntingdon	1,505.5 acres	1,839.63 AEU's	Dairy	HQ	Renewal
Nathan Ebersole 44 Kline Rd Shippensburg, PA 17257	Cumberland	116.6	77.58	Finishing Ducks, Steers	N/A	Renewal
Greystone Pork Farm 12950 Forge Rd. Mercersburg, PA 17236	Franklin	109.2	742.9	Swine	NA	Renewal
Leshner's Poultry 1153 Swamp Fox Road Chambersburg, PA 17202	Franklin	2,371.5	1,221.64	Poultry (Layers)	HQ	Renewal
Burk Lea Farms 3099 Grand Point Road Chambersburg, PA 17201	Franklin	1,358	1,762.24	Dairy	N/A	Renewal
Paul Ebersol 4970 Sunset Pike Chambersburg, PA 17201	Franklin	234.8	93.49	Poultry (Ducks)	N/A	Renewal
Knoebel Brother's Hog & Grain Farms, Inc,	Bradford	31.9	545.6	Swine	N/A	Renewal
Paul Dotterer & Sons, Inc 410 Kryder Rd Mill Hall, PA 17751	Clinton	3,030	2,030.5	Dairy	HQ	Renewal
Maneval Poultry Operation Dale Maneval 11203 Route 35 Mt. Pleasant Mills, PA 17853	Snyder	76 Acres 20.8 for manure	355.07	Poultry	N/A	Application

## PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

## SAFE DRINKING WATER

### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit No. 2615505**, Public Water Supply.

Applicant **Municipal Authority of  
Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Township or Borough] Dunbar Township

County **Fayette**  
 Responsible Official John Ashton, Assistant Manager  
 Municipal Authority of  
 Westmoreland County  
 124 Park & Pool Road  
 New Stanton, PA 15672

Type of Facility Water system  
 Consulting Engineer Gibson-Thomas Engineering Co.,  
 Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650

Application Received July 17, 2015  
 Date

Description of Action Construction of a chemical feed  
 vault located near the Indian  
 Creek Water Treatment Plant.

#### MINOR AMENDMENT

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Southwest Region: Water Supply Management Program  
 Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

#### Application No. 3015506MA, Minor Amendment.

Applicant **Southwestern Pennsylvania  
 Water Authority**  
 1442 Jefferson Road  
 PO Box 187  
 Jefferson, PA 15344

[Township or Borough] West Bethlehem Township

Responsible Official John Golding, Manager  
 Southwestern Pennsylvania  
 Water Authority  
 1442 Jefferson Road  
 PO Box 187  
 Jefferson, PA 15344

Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc.  
 Suite 200  
 267 Blue Run Road  
 Cheswick, PA 15024

Permit to Construct July 9, 2015  
 Issued

Application Received July 16, 2015  
 Date

Description of Action Installation of approximately  
 1,800 feet of 8-inch diameter  
 waterline (Jefferson Avenue  
 Extension).

#### Application No. 6514504MA-T1, Minor Amendment.

#### Permit No. 2615505, Public Water Supply.

Applicant **Municipal Authority of  
 Westmoreland County**  
 124 Park & Pool Road  
 New Stanton, PA 15672

[Township or Borough] Ligonier Township

County **Westmoreland**

Responsible Official Christopher Kerr, Resident  
 Manager  
 Municipal Authority of  
 Westmoreland County  
 124 Park & Pool Road  
 New Stanton, PA 15672

Type of Facility Water system  
 Consulting Engineer The EADS Group, Inc.  
 450 Alberdeen Drive  
 Somerset, PA 15501

Application Received July 16, 2015  
 Date

Description of Action Transfer of facilities formerly  
 held by Rolling Rock Farms.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995 PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop

and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Crescent Brass Manufacturing Corp.**, 701 Park Avenue, City of Reading, **Berks County**. Liberty Environmental, Inc., 50 North 5th Street, 5th Floor, Reading, PA 19601, on behalf of Crescent Brass Manufacturing Corporation, PO Box 187, Mount Joy, PA 17552, submitted a Notice of Intent to Remediate site soils contaminated with arsenic, lead, manganese, and iron. The site was a metals castings and fabrication facility and will be remediated to the Nonresidential Statewide Health Standard. Future use of the site will be commercial/industrial. The Notice of Intent to Remediate was published in the *Reading Eagle* on June 29, 2015.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WPX Energy Appalachia—Kalp 1 Pad Impoundment** (aka Kalp 1 Well Pad & Water Impoundment Storage OG), 1185 Route 711, Donegal Township, **Westmoreland County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry, Township, PA 16066 on behalf of WPX Energy Appalachia, LLC., 6000 Town Center Blvd., Canonsburg, PA 15317 has submitted a Notice of Intent to Remediate to meet a combination of Background, Statewide Health and Site Specific standards concerning groundwater contaminated with calcium, iron, magnesium, manganese, potassium, sodium, sulfate as SO<sub>4</sub>, bromide and strontium. Notice of the NIR was published in the *Tribune-Review* on July 5, 2015.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*

##### New Applications Received

**Bio York, LLC**, 600 Scranton-Carbondale Highway, Eynon, PA 18043. Received on April 7, 2015.

**Advo Waste Medical Services, LLC**, P.O. Box 356, Lakewood, NJ 08701. Received on March 18, 2015.

**Choice MedWaste, LLC**, P.O. Box 1443, Hockessin, DE 19707. Received on May 4, 2015.

##### Renewal Applications Received

**S-J Transportation Company, Inc.**, 1176 US Route 40, Woodstown, NJ 08098. License No. PA-HC 0031. Received on April 13, 2015.

**R. Mor Enterprises, Inc.**, 11 Harts Lane, Suite E, East Brunswick, NJ 08816. License No. PA-HC 0246. Received on March 27, 2015.

**Carlucci Construction Company, Inc.**, 401 Meadow Street, Cheswick, PA 15024. License No. PA-HC 0015. Received on June 5, 2015.

**Bio-Haz Solutions, Inc.**, 23 Tonoli Road, Nesquehoning, PA 18240. License No. PA-HC 0191. Received on June 9, 2015.

**Hamilton Pet Meadow, Inc.**, 1500 Klockner Road, Hamilton, NJ 08619. License No. PA-HC 0227. Received on June 5, 2015.

**York Hospital**, 1001 South George Street, York, PA 17405. License No. PA-HC 0017. Received on June 15, 2015.

**Asepsis, Inc.**, 424 West Lincoln Highway, Suite 204, Pennell, PA 19047. License No. PA-HC 0014. Received on June 24, 2015.

**Agape Pet Services, LLC**, 19712 Shepherdstown Pike, Boonsboro, MD 21713. License No. PA-HC 0240. Received on May 12, 2015.

**Curtis Bay Energy, Inc.**, 3200 Hawkins Point Road, Baltimore, MD 21226. License No. PA-HC 0236. Received on June 12, 2015.

#### RESIDUAL WASTE GENERAL PERMITS

**Application Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application No. WMGR106. Lafarge North America, Inc.**, 5160 Main Street, Whitehall, PA 18052-1827. This general permit renewal application is for the processing of Types 4 through 7 plastics from municipal recycling facilities and residual waste generators to produce plastic-derived fuel for use in the cement kiln. The application was determined to be administratively complete by Central Office on July 14, 2015.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR106" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.



**General Permit Application No. WMGR107. General Electric International, Inc.,** 4710 Hudson Drive, Stow, OH 44224. This general permit renewal application is for the processing of non-PCB transformer oil in mobile processing units for the purpose of reconditioning the transformer oil. The application was determined to be administratively complete by Central Office on July 14, 2015.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at [ra-epbenuseall@pa.gov](mailto:ra-epbenuseall@pa.gov). When submitting comment via e-mail, place "Comments on WMGR107" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

#### MUNICIPAL WASTE GENERAL PERMIT

**Application(s) Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.*

**General Permit Application Number WMGM034D002D. Talen Renewable Energy LLC,** 835 Hamilton Street, Suite 150. Allentown, PA 18101-1179.

The general permit WMGM034D002D is for the processing and beneficial use of landfill gas generated at the Chrin Landfill in Northampton County, Glendon Township. The electric produced will be transmitted to the local electric utility grid for consumers use. The Department has deemed the renewal application to be administratively complete on July 15, 2015.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at [ra-epbenuseall@pa.gov](mailto:ra-epbenuseall@pa.gov). When submitting comment via e-mail, place "Comments on General Permit Number WMGM034D002D" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

**General Permit Application Number WMGM034D002F. Talen Renewable Energy LLC,** 835 Hamilton Street, Suite 150. Allentown, PA 18101-1179.

The general permit WMGM034D002F is for the processing and beneficial use of landfill gas generated at the Blue Ridge Landfill in Franklin County, Greene Town-

ship. The electric produced will be transmitted to the local electric utility grid for consumers use. The Department has deemed the renewal application to be administratively complete on July 15, 2015.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at [ra-epbenuseall@pa.gov](mailto:ra-epbenuseall@pa.gov). When submitting comment via e-mail, place "Comments on General Permit Number WMGM034D002F" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

**General Permit Application Number WMGM034. Talen Renewable Energy LLC,** 835 Hamilton Street, Suite 150. Allentown, PA 18101-1179.

The general permit WMGM034 is for the processing and beneficial use of landfill gas generated at the Frey Farm Landfill in Lancaster County, Manor Township. The electric produced will be transmitted to the local electric utility grid for consumers use. The Department has deemed the renewal application to be administratively complete on July 15, 2015.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at [ra-epbenuseall@pa.gov](mailto:ra-epbenuseall@pa.gov). When submitting comment via e-mail, place "Comments on General Permit Number WMGM034" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

**General Permit Application Number WMGM034D002C. Talen Renewable Energy LLC,** 835 Hamilton Street, Suite 150. Allentown, PA 18101-1179.

The general permit WMGM034D002C is for the processing and beneficial use of landfill gas, generated at the Northern Tier Landfill in Bradford County, Burlington Township. The electric produced will be transmitted to the local electric utility grid for consumers use. The Department has deemed the renewal application to be administratively complete on July 15, 2015.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at [ra-epbenuseall@pa.gov](mailto:ra-epbenuseall@pa.gov). When submitting comment via e-mail, place "Comments on General Permit Number WMGM034D002C" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For



more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

**General Permit Application Number  
WMGM034D002A. Talen Renewable Energy LLC**, 835 Hamilton Street, Suite 150. Allentown, PA 18101-1179.

The general permit WMGM034D002A is for the processing and beneficial use of landfill gas generated at the Greater Lebanon Landfill in Lebanon County, North Annville Township. The electric produced will be transmitted to the local electric utility grid for consumers use. The Department has deemed the renewal application to be administratively complete on July 15, 2015.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGM034D002A" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

**General Permit Application Number  
WMGM034D002B. Talen Renewable Energy LLC**, 835 Hamilton Street, Suite 150. Allentown, PA 18101-1179.

The general permit WMGM034D002B is for the processing and beneficial use of landfill gas generated at the Cumberland County Landfill, which also operates under the name Community Refuse Service in Cumberland County, Hopewell Township. The electric produced will be transmitted to the local electric utility grid for consumers use. The Department has deemed the renewal application to be administratively complete on July 15, 2015.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGM034D002B" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

**General Permit Application Number  
WMGM034D002E. Talen Renewable Energy LLC**, 835 Hamilton Street, Suite 150. Allentown, PA 18101-1179.

The general permit WMGM034D002E is for the processing and beneficial use of landfill gas generated at the Lycoming County Landfill in Lycoming County, Brady Township. The electric produced will be transmitted to the local electric utility grid for consumers use. The Department has deemed the renewal application to be administratively complete on July 15, 2015.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGM034D002E" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Application received, under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate a Solid Waste Processing or Disposal Area or Site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.*

**Permit Application ID No. 300720. NRG Power Midwest, LP**, 121 Champion Way, Suite 300, Canonsburg, PA 15317. Cheswick Ash Disposal Site, Lefever Road (S.R. 1016), Cheswick, PA 15024. An application for the permit renewal of a residual waste fly ash disposal facility in Indiana Township, **Allegheny County** was received in the Regional Office on June 12, 2015.

#### **AIR QUALITY**

##### **PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person

submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P. S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920*

**46-0291: Precision Polymer Products, Inc.** (815 South St., Pottstown, PA 19464) to allow the use of isopropyl alcohol (IPA) at their facility in Pottstown Township, **Montgomery County**. As a result of potential emissions of VOCs, the facility is not Title V facility. The use of IPA will not exceed the following site-wide pollutant emission limits: volatile organic compounds (VOCs): 24.9 tpy. In addition, the Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**09-0229: Brenner Aerostructures** (450-3 Winks Lane, Bensalem, PA 19020) Bensalem Township, **Bucks County**. The Department received a Plan Approval application for the installation and operation of an existing and two new coating paint booths. Brenner is a minor facility for VOC's and HAP's. The paint booths are not subject to New Source Performance Standards (NSPS). The Plan Approval will contain monitoring, recordkeeping

and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

**09-0196I: Abington Reldan Metals, LLC** (550 Old Bordentown Road, Fairless Hills, PA 19030) for installation and operation of a new thermal destructor to replace the existing Thermal Destructor #1. This facility, located in Falls Township, **Bucks County**, is a non-Title V facility. The proposed Plan Approval will contain record keeping requirements, monitoring requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507*

**35-00069A: Lackawanna Energy Center LLC** (1 South Wacker Drive, Suite 1900, Chicago, IL 60606) Notice is hereby given under 25 Pa. Code § 127.44 and 40 CFR 52.21, that the Department of Environmental Protection (Department) intends to issue the proposed Air Quality Plan Approval 35-00069A: Lackawanna Energy Center LLC (1 South Wacker Drive, Suite 1900, Chicago, IL 60606) for the purposes to construct, own, and operate a natural gas-fired combined-cycle power plant to produce a nominal 1,500 MW of electricity in Jessup Borough, **Lackawanna County** and is soliciting comments on the above plan approval.

The project consists of three (3) identical 1 x 1 power blocks. Each combined-cycle process block includes one (1) General Electric Model 7HA.02 natural gas fired combustion turbine (CT) and one (1) heat recovery steam generator (HRSG) with duct burners (DB) with all three (3) blocks sharing one (1) steam turbine.

The duct burners (DB) will be installed in the heat recovery steam generators (HRSG) of the proposed new units. Each CT and duct burner will exclusively fire pipeline-quality natural gas. The HRSGs will be equipped with selective catalytic reduction (SCR) to minimize nitrogen oxide (NO<sub>x</sub>) emissions and oxidation catalysts to minimize carbon monoxide (CO) and volatile organic compound (VOC) emissions from the CTs and DBs.

Additionally, one (1) 2,000 kW diesel-fired emergency generator, one (1) 315 HP diesel-fired emergency fire water pump, one (1) 184.8 MMBTUs/hr natural gas fired boiler, one (1) 12 MMBTUs/hr natural gas fuel gas heater, two (2) diesel storage tanks, three (3) lube oil storage tanks, and one (1) aqueous ammonia storage tank are proposed to be constructed and operated.

The proposed facility will be a "major source" of criteria air pollutants. Lackawanna Energy Center LLC is applying to the Department for a Plan Approval addressing Prevention of Significant Deterioration (PSD) review and non-attainment New Source Review (NSR).

The PSD regulations require specific sources of air pollution, such as the proposed project, to satisfy four conditions before approval to construct and operate may be granted by DEP. First, all pollutants that are subject to this regulation must be controlled by best available control technology (BACT). Second, particulate and sulfur dioxide (SO<sub>2</sub>) air pollutant emissions must not cause violations of the allowable annual, 24-hour, or 3-hour air

quality class increments applicable in the area where the source is to be located; nor any class increments applicable in any other areas which would be impacted by the source. Third, the maximum allowable increase in concentrations of all pollutants must not cause violation of either the national primary or secondary ambient air quality standards. Finally, the pollutant emissions from the proposed source must not adversely impact upon soils, vegetation, and visibility in the vicinity of the proposed plant site.

A preliminary review of the information submitted by Lackawanna Energy Center, LLC indicates that the construction and operation of the plant will meet all applicable air quality requirements including the four stated above. Based upon these findings, DEP plans to approve the application and issue a permit for the construction and operation of the Lackawanna Energy Center LLC generation plant.

The following table summarizes the potential emissions from maximum operation of the facility according to the application submitted for the Department's own analysis;

<i>Pollutant</i>	<i>Emission limit Tons/year</i>
PM <sub>10</sub>	147.50
PM	73.10
SO <sub>2</sub>	39.90
NO <sub>x</sub>	304.60
CO	273.90
VOC	76.00
H <sub>2</sub> SO <sub>4</sub>	31.2
Total Hazardous (HAPs)	22.80

As shown in the table above Lackawanna Energy Center LLC proposed project potential emissions of NO<sub>x</sub> and VOC exceed the NNSR major source thresholds. NNSR requirements for NO<sub>x</sub> and VOC include Lowest Achievable Emission Rate (LAER) and purchasing Emission Reduction Credits (ERC). In accordance with 25 Pa. Code § 121.1, LAER is defined as:

(i) The rate of emissions based on the following, whichever is more stringent:

(A) The most stringent emission limitation which is contained in the implementation plan of a state for the class or category of source unless the owner or operator of the proposed source demonstrates that the limitations are not achievable.

(B) The most stringent emission limitation which is achieved in practice by the class or category of source.

(ii) The application of the term may not allow a new or proposed modified source to emit a pollutant in excess of the amount allowable under an applicable new source standard of performance.

In accordance with 25 Pa. Code §§ 127.205(4) and 127.210, Lackawanna Energy Center LLC will be required to purchase ERCs to offset the NO<sub>x</sub> and VOC emission increases associated with this project at a ratio of 1.15:1. Based on the PTE, the following table represents the required ERCs to be purchased:

#### ERC Calculation

<i>Pollutant</i>	<i>PTE</i>	<i>Ratio</i>	<i>ERCs</i>
NO <sub>x</sub>	304.6	1.15	350.3
VOC	76.0	1.15	87.4

In accordance with the Prevention of Significant Deterioration (PSD) rules in 40 CFR 52.21 and 25 Pa. Code § 127.83, Lackawanna Energy Center LLC has conducted an air quality analysis which utilizes dispersion modeling. Lackawanna Energy Center's air quality analysis satisfies the requirements of the PSD rules and is consistent with the U.S. Environmental Protection Agency's (EPA) *Guideline on Air Quality Models* (40 CFR Part 51, Appendix W) and the EPA's air quality modeling policy and guidance.

In accordance with 40 CFR 52.21(k), Lackawanna Energy Center's air quality analysis demonstrates that the proposed emissions from Lackawanna Energy Center's facility would not cause or contribute to air pollution in violation of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), particulate matter less than or equal to 2.5 micrometers in diameter (PM<sub>2.5</sub>), or particulate matter less than or equal to 10 micrometers in diameter (PM<sub>10</sub>). Lackawanna Energy Center's air quality analysis demonstrates that the proposed emissions from Lackawanna Energy Center's facility would not cause or contribute to air pollution in violation of the increments for NO<sub>2</sub>, PM<sub>2.5</sub>, or PM<sub>10</sub>. The degree of Class II and Class I increment consumption expected to result from the operation of Lackawanna Energy Center's facility is provided in the following tables:

Table 1—Degree of Class II Increment Consumption from Operation of Lackawanna Energy Center's Facility

<i>Pollutant</i>	<i>Averaging Period</i>	<i>Degree of Class II Increment Consumption</i>		<i>Class II Increment</i>
		<i>micrograms per cubic meter</i>	<i>% of Class II Increment</i>	<i>micrograms per cubic meter</i>
NO <sub>2</sub>	Annual	< 0.32494	< 1.30 %	25
PM <sub>2.5</sub>	24-Hour	< 6.39084	< 71.01 %	9
	Annual	< 0.29599	< 7.40 %	4
PM <sub>10</sub>	24-Hour	< 6.39084	< 21.30 %	30
	Annual	< 0.29599	< 1.74 %	17



Table 2—Degree of Class I Increment Consumption from Operation of Lackawanna Energy Center's Facility

Pollutant	Averaging Period	Degree of Class I Increment Consumption		Class I Increment
		micrograms per cubic meter	% of Class I Increment	micrograms per cubic meter
NO <sub>2</sub>	Annual	< 0.00179	< 0.07 %	2.5
PM <sub>2.5</sub>	24-Hour	< 0.01161	< 0.58 %	2
	Annual	< 0.00118	< 0.12 %	1
PM <sub>10</sub>	24-Hour	< 0.01161	< 0.15 %	8
	Annual	< 0.00118	< 0.03 %	4

In accordance with 40 CFR 52.21(o), Lackawanna Energy Center provided a satisfactory analysis of the impairment to visibility, soils, and vegetation that would occur as a result of Lackawanna Energy Center's facility and general commercial, residential, industrial, and other growth associated with Lackawanna Energy Center's facility.

In accordance with 40 CFR 52.21(p), written notice of Lackawanna Energy Center's proposed facility has been provided to the Federal Land Managers of nearby Class I areas as well as initial screening calculations to demonstrate that the proposed emissions from Lackawanna Energy Center's facility would not adversely impact visibility and air quality related values in nearby Class I areas.

To assure compliance with the applicable standards, DEP will place the following conditions on the plan approval.

#### Site Level Conditions

##### Restrictions

1. The permittee shall comply with the emissions limitations specified below at all times including during periods of startup and shutdown and emissions from all sources at the facility shall not exceed:

(a) 273.9 tons of carbon monoxide in any 12 consecutive month period

(b) 304.6 tons of nitrogen oxides (as nitrogen dioxide) in any 12 consecutive month period

(c) 76.0 tons of volatile organic compounds in any 12 consecutive month period

(d) 22.8 tons of total hazardous air pollutants in any 12 consecutive month period

(e) 73.1 tons of total PM, 147.5 TPY PM<sub>10</sub> (including condensable PM), and 147.5 TPY PM<sub>2.5</sub> (including condensable PM) in any 12 consecutive month period

(f) 39.9 tons of sulfur oxides (as sulfur dioxide) in any 12 consecutive month period

(g) 31.2 tons of sulfuric acid mist in any 12 consecutive month period

(h) 4,938,598 tons of greenhouse gases in any 12 consecutive month period.

(i) 0.031 TPY Pb in any 12 consecutive month period.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the combined total sulfur hexafluoride (SF<sub>6</sub>) emissions from all of the circuit breakers used at the facility shall not exceed 7.0 pounds in any 12 consecutive month period. Additionally, the total greenhouse gas emissions from all of the circuit

breakers used at the facility shall not exceed 79.8 tons in any 12 consecutive month period.

#### Testing Requirements

(a) Pursuant to 25 Pa. Code § 139.3, at least 45 calendar days prior to commencing a EPA reference method testing program, a test protocol shall be submitted to the Department for review and approval. The test protocol shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.

(b) Pursuant to 25 Pa. Code § 139.3, at least 15 calendar days prior to commencing an emission testing program, notification as to the date and time of testing shall be given to the Department's North East Regional Office. Notification shall also be sent to the Division of Source Testing and Monitoring. Notification shall not be made without prior receipt of a protocol acceptance letter from the Department.

(c) Pursuant to 25 Pa. Code § 139.53(a)(3) within 15 calendar days after completion of the on-site testing portion of a EPA reference method test program, if a complete test report has not yet been submitted, an electronic mail notification shall be sent to the Department's North East Regional Office and Division of Source Testing and Monitoring indicating the completion date of the on-site testing.

(d) Pursuant to 40 CFR 60.8(a), complete test reports shall be submitted to the Department no later than 60 calendar days after completion of the on-site testing portion of a EPA reference method test program.

(e) Pursuant to 25 Pa. Code § 139.53(b) a complete test report shall include a summary of the emission results on the first page of the report indicating if each pollutant measured is within permitted limits and a statement of compliance or non-compliance with all applicable permit conditions. The summary results will include, at a minimum, the following information:

1. A statement that the owner or operator has reviewed the report from the emissions testing body and agrees with the findings.

2. Permit number(s) and condition(s) which are the basis for the evaluation.

3. Summary of results with respect to each applicable permit condition.

4. Statement of compliance or non-compliance with each applicable permit condition.

(f) Pursuant to 25 Pa. Code § 139.3, all submittals shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.



(g) All testing shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection.

(h) Pursuant to 25 Pa. Code § 139.53(a)(1) and 139.53(a)(3) all submittals, besides notifications, shall be accomplished through PSIMS\*Online available through <https://www.depgreenport.state.pa.us/ecommm/Login.jsp> when it becomes available. If internet submittal cannot be accomplished, two (2) copies of the submittal shall be sent to the Pennsylvania Department of Environmental Protection, Northeast Regional Office, Air Quality Program Manager with deadlines verified through document postmarks.

(i) The permittee shall insure all federal reporting requirements contained in the applicable subpart of 40 CFR are followed, including timelines more stringent than those contained herein. In the event of an inconsistency or any conflicting requirements between state and the federal, the most stringent provision, term, condition, method or rule shall be used by default.

#### Monitoring Requirements

1. Visible emissions may be measured using either of the following:

(1) A device approved by the Department and maintained to provide accurate opacity measurements.

(2) Observers, trained and qualified to measure plume opacity with the naked eye or with the aid of any devices approved by the Department.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the circuit breakers at the facility shall be state-of-the-art sealed enclosed-pressure circuit breakers equipped with low-pressure alarms and a low-pressure lockout where the alarms are triggered when 10% of the sulfur hexafluoride (SF6) (by weight) has escaped. When the alarms are triggered, the permittee shall take immediate corrective action to fix the circuit breaker units to a like new state to prevent the emission of sulfur hexafluoride (SF6) to the maximum extent practicable. If immediate corrective action cannot be taken the permittee shall notify the Department of the reason for such a delay and ask for approval to take corrective action as soon as practicable.

#### Recordkeeping Requirements

(1) The permittee shall keep accurate and comprehensive records of:

(a) the nitrogen oxides, carbon monoxide, volatile organic compounds, greenhouse gasses, total hazardous air pollutants, sulfur oxides (SO<sub>2</sub>), sulfuric acid mist, total PM, total PM<sub>10</sub>, total PM<sub>2.5</sub>, ammonia, and sulfur hexafluoride (SF6) emissions including emissions calculations from all air-contaminant sources, on a monthly basis and 12 month rolling sum, in order to demonstrate compliance with the emission limitations for all sources at the facility,

(b) Amount of fuel used by each combustion unit, engine, and turbine on a 12-month rolling basis.

(c) Hours of operation of each source on a 12-month rolling basis.

(d) Results of facility-wide inspections including the date, time, name, and title of the observer, along with any corrective action taken as a result.

(e) Copies of the manufacturer's recommended maintenance schedule for each air source and air cleaning device.

(f) All maintenance performed on each source and air cleaning device.

(g) Copies of the current, valid purchase contract, tariff sheet, or transportation contract obtained from the natural gas supplier with the sulfur content of the natural gas.

(h) Results of the monthly natural gas sulfur content analyses determined using an EPA approved test method.

(i) the permittee shall keep records of the amount of sulfur hexafluoride (SF6) dielectric fluid is added to each circuit breaker unit each month

(j) the date and time that each alarm associated with the circuit breaker units is activated, the corrective action taken to remedy the problem associated with each alarm, and the date the corrective action remedied the problem.

(2) All information used to satisfy this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

#### Reporting Requirements

1. (a) The permittee shall submit semi-annual reports that include:

(1) the nitrogen oxides, carbon monoxide, volatile organic compound, greenhouse gas, total hazardous air pollutants, sulfur oxides (SO<sub>2</sub>), sulfuric acid mist, total PM, total PM<sub>10</sub>, total PM<sub>2.5</sub>, ammonia, and sulfur hexafluoride (SF6) emissions including emissions calculations from all air-contaminant sources, on a monthly basis, in order to demonstrate compliance with the emission limitations for all sources at the facility,

(2) the amount of sulfur hexafluoride (SF6) dielectric fluid added to each circuit breaker unit each month,

(3) the date and time that each alarm associated with the circuit breaker units is activated, the corrective action taken to remedy the problem associated with each alarm, and the date the corrective action remedied the problem.

(b) The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the concurrent year).

2. (a) The permittee shall report malfunctions which occur at this facility to the Department. A malfunction is any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Malfunctions that are not resulting in, or potentially resulting in, air contaminant emissions in excess of an applicable air contaminant emission limitation and/or are not resulting in, or potentially resulting in, noncompliance with any condition contained in this plan approval do not have to be reported. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

(b) Failures that are caused in part by poor maintenance or careless operation shall be reported as excess emissions or deviations from the plan approval requirements.

(c) When the malfunction, excess emission or deviation from the plan approval requirements poses an imminent and substantial danger to the public health and safety or environment, the permittee shall notify the Department by telephone at 570-826-2511 no later than one (1) hour after the incident.

(d) Any malfunction, excess emission or deviation from the plan approval requirements, or any malfunction resulting in, or which may possibly be resulting in, a violation of any applicable plan approval requirement or any applicable rule or regulation contained in Article III of the Rules and Regulations of the Department of Environmental Protection, that is not subject to the notice requirements of subsection (c) of this permit condition shall be reported to the Department within twenty-four (24) hours of discovery. In notifying the Department, the permittee shall describe the following:

- (i) name and location of the facility,
- (ii) nature and cause of the malfunction or breakdown,
- (iii) time when the malfunction or breakdown was first observed,
- (iv) expected duration of excess emissions,
- (v) corrective actions or preventative measures taken.
- (e) The permittee shall notify the Department immediately when corrective measures have been accomplished.
- (f) Upon the request of the Department, the permittee shall submit a full written report to the Regional Air Program Manager within fifteen (15) days of the malfunction, excess emission or deviation from the plan approval requirements.

#### Additional Requirements

1. The permittee shall comply with all applicable requirements of New Source Performance Standards from 40 CFR Part 60 Subparts Db, IIII, and KKKK and National Emission Standards for Hazardous Air Pollutants from 40 CFR Part 63 Subpart ZZZZ.

2. The permittee shall comply with all applicable requirements under 40 CFR Part 68 related to the Chemical Accident Prevention Provisions.

3. The permittee shall comply with all applicable requirements under 40 CFR Part 64 related to Compliance Assurance Monitoring.

4. The permittee shall comply with all applicable requirements under 40 CFR Parts 72–78 related to the Acid Rain Program.

5. The permittee shall comply with the cross-state air pollution rule requirements (40 CFR Part 97, Subparts AAAAA–DDDDD) by the compliance date specified in 40 CFR 97, Subparts AAAAA–DDDDD, as amended.

6. The permittee shall comply with all applicable requirements under 40 CFR Part 98 related to the Mandatory Greenhouse Gas Reporting Rule.

7. Upon determination by the permittee that the air contamination sources and air cleaning devices covered by this plan approval are in compliance with all conditions of the plan approval, the permittee shall contact the Department to schedule the Initial Operating Permit Inspection.

8. Upon completion of the Initial Operating Permit Inspection and determination by the Department that the permittee is in compliance with all conditions of the plan approval, the permittee shall submit a Title V Operating Permit (TVOP) application for this Facility prior to this plan approval expiration, including any plan approval extensions granted by the Department.

9. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established pursuant to this plan approval or the permittee's operating permit, the permittee may be

required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate.

10. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required.

11. Pursuant to the new source review provisions in 25 Pa. Code §§ 127.201–127.217, the permittee shall purchase and apply 350.3 tons per year of NO<sub>x</sub> emission reduction credits (ERCs) and 87.4 tons per year of VOC ERCs prior to commencement of operation of any sources at the facility to offset the total of the net increase in potential to emit.

The permittee shall certify to the Northeast Regional Office of the Department the amount of ERCs purchased, the company from which the ERCs were purchased, and the effective date of transfer of the ERCs. The purchase and application of the NO<sub>x</sub> and VOC ERCs shall be tracked in the Department's ERC registry system. Failure to purchase and apply the ERCs prior to commencement of operation at the facility shall make this plan approval null and void.

12. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established pursuant to this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required. that are not a result of a physical change or change in method of operation at the facility.

13. The permittee shall not permit the open burning of materials at this facility unless in accordance with 25 Pa. Code § 129.14.

Source Group Restrictions (Combustion Turbine and Duct Burners with Heat Recovery Steam Generator)

#### Restrictions

1. [Compliance with the nitrogen oxides and sulfur dioxide emissions limits in this condition will assure compliance with the nitrogen oxide and sulfur dioxide standards specified in 40 CFR Sections 60.4320 and 60.4330, respectively, as well as the limitations of 25 Pa. Code Chapter 123, relating to particulate matter emissions and sulfur compound emissions]

Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR Section 52.21 and of 25 Pa. Code § 127.83 and the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201–127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12,

(a) Emissions from the operation of each combustion turbine and HRSG (Source IDs 101, 102, 103, 104, 105, 106) shall not exceed the limits specified below:

- i. Carbon monoxide: 2.0 ppmv @ 15% O<sub>2</sub>
- ii. Nitrogen oxides (expressed as NO<sub>2</sub>): 2.0 ppmv @ 15% O<sub>2</sub>

iii. Volatile organic compounds: 1.0 ppm<sub>dv</sub> (without duct burner) and 1.5 ppm<sub>dv</sub> (with duct burner) @ 15% O<sub>2</sub>

iv. Sulfur dioxide: 0.0011 lb/MMBtu

v. Total (filterable) Particulate Matter: 0.003 lb/MMBtu

vi. Total (filterable and condensable) PM<sub>10</sub>: 0.0059 lb/MMBtu

vii. Total (filterable and condensable) PM<sub>2.5</sub>: 0.0059 lb/MMBtu

viii. H<sub>2</sub>SO<sub>4</sub>: 0.00086 lb/MMBtu

(b) The above emissions limits shall apply at all times except for periods of startup and shutdown.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12; The operation of all three combustion turbines and HRSG including startups and shutdowns shall not emit equal to or more than 9.9 tons of a single HAP and 22.8 tons of total hazardous air pollutants in any 12 consecutive month period.

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12;

(1) The operation of each combustion turbine with duct burner and heat recovery steam generator shall not emit more than:

(a) 17.6 pounds of carbon monoxide (with duct burner) and 14.6 pounds of carbon monoxide (without duct burner) per hour,

(b) 29.0 pounds of nitrogen oxides (with duct burner) and 24.1 pounds of nitrogen oxide (without duct burner) per hour,

(c) 26.7 pounds of ammonia per hour in any 1-hour period

(d) 4.3 pounds of sulfur dioxide per hour

(e) 3.4 pounds of sulfuric acid mist per hour

(f) 9.0 pounds of total (filterable) particulate matter (PM) per hour

(g) 18.0 pounds of total (filterable and condensable) PM<sub>10</sub> and PM<sub>2.5</sub> per hour.

(h) 8.0 pounds of volatile organic compounds (with duct burner) and 4.2 pounds of VOC's (without duct burner) per hour.

(2) The emission limitations specified above do not include the air-contaminants emitted during startups and shutdowns.

(3) Short term limits for startup/shutdown are as follows:

(a) Cold Start:

(a) 581.1 pounds of carbon monoxide per hour,

(b) 327.4 pounds of nitrogen oxides per hour,

(c) 72.0 pounds of volatile organic compounds per hour.

(b) Warm Start:

(a) 581.1 pounds of carbon monoxide per hour,

(b) 260.6 pounds of nitrogen oxides per hour,

(c) 72.0 pounds of volatile organic compounds per hour.

(c) Hot Start:

(a) 770.8 pounds of carbon monoxide per hour,

(b) 279.2 pounds of nitrogen oxides per hour,

(c) 94.6 pounds of volatile organic compounds per hour.

(d) Shutdown:

(a) 732.9 pounds of carbon monoxide per hour,

(b) 34.3 pounds of nitrogen oxides per hour,

(c) 360.0 pounds of volatile organic compounds per hour.

4. Pursuant to the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, NH<sub>3</sub> slip emissions from the operation of each combustion turbine and HRSG shall not exceed 5 ppm<sub>dv</sub>s @ 15% O<sub>2</sub> during normal operation calculated monthly and on a 12 month rolling sum basis.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12; The operation of each combustion turbine with duct burner and heat recovery steam generator including startups and shutdowns shall not emit more than:

(a) 84.9 tons of carbon monoxide in any 12 consecutive month period

(b) 100.3 tons of nitrogen oxides in any 12 consecutive month period

(c) 13.1 tons of sulfur dioxide in any 12 consecutive month period

(d) 10.4 tons of sulfuric acid mist in any 12 consecutive month period

(e) 24.1 tons of total particulate matter (PM) in any 12 consecutive month period

(f) 48.2 tons of total PM<sub>10</sub> and PM<sub>2.5</sub> in any 12 consecutive month period

(g) 100.4 tons of ammonia in any 12 consecutive month period

(h) 24.6 tons of volatile organic compounds in any 12 consecutive month period

(i) 1,629,115 tons of greenhouse gases (expressed as CO<sub>2</sub>e) in any 12 consecutive month period.

6. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR 52.21 and of 25 Pa. Code § 127.83, as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, the emission of visible air contaminants from the operation of each combustion turbine and HRSG shall not be in excess of 10% opacity for any 3-minute block and 10% opacity for any 6-minute block period during startup and shutdown.

7. The turbines and duct burner shall only be fired by natural gas supplied by a public utility. The sulfur content of the natural gas shall not exceed 0.4 grain/100 scf calculated monthly and on a 12 month rolling sum basis.

8. (a) The durations of startups and shutdowns shall be minimized to the extent practicable.

(b) Startup and shutdown shall be accomplished as follows:

(i) Startup is defined as the period beginning when fuel begins flowing to the combustion turbine and ending when the combustion process, air pollution control equipment, and associated control systems have attained normal operating conditions. Startups shall not exceed 60 minutes in duration.

(ii) Shutdown is defined as the period beginning when the combustion turbine exits DLN mode and ending when fuel flow ceases. Shutdowns shall not exceed 30 minutes in duration.



(iii) Cold start is identified as a restart occurring 72 hours or more after shutdown and shall not exceed 90 minutes in duration.

(iv) Warm start is identified as a restart occurring between 8 hours to 72 hours after shutdown and shall not exceed 90 minutes in duration.

(v) Hot start is identified as a restart occurring less than 8 hours after shutdown and shall not exceed 75 minutes in duration.

(c) The permittee shall record the time, date and duration of each startup and shutdown as well as the reason for each startup and shutdown.

9. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the total hours of startups and shutdowns for each of the combustion turbine and HRSG shall not exceed 500 hours in any 12 consecutive month period.

#### Testing Requirements

1. (a) Pursuant to the best available technology requirements of 25 Pa. Code § 127.12b, within 180 days of the commencement of operation of each combustion turbine and HRSG, the permittee shall conduct EPA reference method testing on each respective unit for nitrogen oxides, carbon monoxide, ammonia slip, volatile organic compounds, sulfur oxides (SO<sub>2</sub>), sulfuric acid mist, total PM, total PM<sub>10</sub>, total PM<sub>2.5</sub>, formaldehyde, hexane, and toluene emissions.

(b) Subsequent EPA reference method testing for volatile organic compounds, sulfur oxides (SO<sub>2</sub>), sulfuric acid mist, total PM, total PM<sub>10</sub>, total PM<sub>2.5</sub>, and formaldehyde emissions shall be conducted every two years from the date of the previous tests. The Department may not require hexane and toluene testing if test results from the testing conducted in (a) above show the levels emitted are of minor significance. The testing frequency may be revised based upon the satisfactory demonstration of compliance with the emission limitations.

(c) All testing shall be performed at maximum normal operating conditions that will demonstrate compliance with all emissions limitations specified in this plan approval.

#### Monitoring Requirements

1. (a) The permittee shall install, certify, maintain and operate continuous emission monitoring systems (CEMS) for nitrogen oxides, carbon monoxide, and either carbon dioxide or oxygen, and install an ammonia slip monitoring system on the exhaust of each combustion turbine and heat recovery steam generator in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's "Continuous Source Monitoring Manual." No CEMS may however be installed unless Phase I approval has first been obtained from the Department.

(b) The permittee shall submit a Phase I application to the Department for all CEMS to be associated with each combustion turbine and HRSG at least 180 days prior to the expected commencement of operation date of each respective unit. (c) The permittee shall implement a carbon dioxide mass emission monitoring system in accordance with the requirements in 40 CFR Section 98.43 and 40 CFR Section 75.13.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the pressure differential across the selective catalytic reduction catalysts as well as the catalyst inlet and outlet temperatures

shall be monitored and recorded on a continuous basis. Visual and audible alarms shall be utilized to indicate improper operation.

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the pre-control and post control nitrogen oxides (expressed as NO<sub>2</sub>) emissions shall be monitored and recorded by the feed-forward process control loop to ensure maximum control efficiency and minimum ammonia slip. Visual and audible alarms shall be utilized to indicate improper operation.

4. [Additional authority for this permit condition is also derived from the provisions specified in 40 CFR Section 60.4365]

Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall use one of the following sources of information to monitor for SO<sub>2</sub> emissions from the combustion turbines and heat recovery steam generator on a monthly and a 12 month rolling sum basis.

(a) The fuel quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the fuel, specifying that the maximum total sulfur content for natural gas use in continental areas is 0.4 grain of sulfur or less per 100 standard cubic feet and has potential sulfur emissions of less than 0.0011 lb SO<sub>2</sub>/MMBtu heat input; or

(b) Representative fuel sampling data which show that the sulfur content of the fuel does not exceed 0.0011 lb SO<sub>2</sub>/MMBtu heat input. At a minimum, the amount of fuel sampling data specified in 40 CFR 75 section 2.3.1.4 or 2.3.2.4 of appendix D is required.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the pressure differential across the oxidation catalyst as well as the catalyst inlet and outlet temperatures shall be monitored and recorded on a continuous basis. Visual and audible alarms shall be utilized to indicate improper operation.

6. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, a monitoring system shall be in each stack to monitor and record percent oxygen levels.

7. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall monitor and record the pressure differential across the inlet air filters for Source IDs 101, 102, and 103 on a weekly basis.

#### Recordkeeping Requirements

1. (a) Pursuant to the best available control technology (BACT) of the Prevention of Significant Deterioration provisions in 40 CFR Section 52.21 and of 25 Pa. Code § 127.83, as well as the best available technology (BAT) provisions in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall monitor and keep records of the amount of fuel used each month in each of the combustion turbine and HRSG as well as the monthly heat input (MMBtu), power output (MW-hr) and hours of operation of each unit to verify compliance with the input-based BACT and BAT efficiency limitation.

(b) All information used to satisfy this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

2. (a) The permittee shall keep accurate and comprehensive records of the nitrogen oxides, carbon monoxide, volatile organic compounds, greenhouse gasses, total haz-



ardous air pollutants, sulfur oxides (SO<sub>2</sub>), sulfuric acid mist, total PM, total PM<sub>10</sub>, total PM<sub>2.5</sub>, formaldehyde, hexane, and toluene emissions including emissions calculations from each combustion turbine and HRSG, on a monthly basis, in order to demonstrate compliance with the emission limitations.

(b) All information used to satisfy this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

3. [Additional authority for this permit condition is derived from 25 Pa. Code §§ 139.101(5) and 139.101(12), 139.103, 139.108 or 139.111]

(a) The permittee shall comply with the recordkeeping requirements established in 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources), (and) the 'Record Keeping and Reporting' requirements in the Department's Continuous Source Monitoring Manual, Revision No. 8, 274-0300-001.

(b) Records shall be retained for at least 5 years and shall be made available to the Department upon request.

(c) Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.

#### Reporting Requirements

1. (a) The permittee shall submit semi-annual reports that include:

(1) the nitrogen oxides, carbon monoxide, volatile organic compound, greenhouse gas, total hazardous air pollutants, sulfur oxides (SO<sub>2</sub>), sulfuric acid mist, total PM, total PM<sub>10</sub>, total PM<sub>2.5</sub>, formaldehyde, hexane, and toluene emissions including emissions calculations from each combustion turbine and HRSG, on a monthly basis, in order to demonstrate compliance with the emission limitations.

(b) The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the concurrent year).

2. [Additional authority for this permit condition is derived from 25 Pa. Code §§ 139.101(1)(iv), 139.101(10) and 139.101(12), 139.103, 139.108 or 139.111]

(a) The permittee shall submit quarterly reports of continuous emission monitoring to the Department in accordance with the requirements established in 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources), (and) the "Record Keeping and Reporting" requirements as established in the Department's Continuous Source Monitoring Manual, Revision No. 8, 274-0300-001.

(b) The permittee shall report emissions for all periods of unit operation, including startup, shutdown and malfunction.

(c) Initial quarterly reports following system certification shall be submitted to the Department within 35 days following the date upon which the Department notifies the owner or operator, in writing, of the approval of the continuous source monitoring system for use in determining compliance with applicable emission standards.

(d) Subsequent quarterly reports shall be submitted to the Department within 30 days after the end of each calendar quarter.

(e) Failure to submit required reports of continuous emission monitoring within the time periods specified in this Condition, shall constitute violations of this Permit, unless approved in advance by the Department in writing.

(f) Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.

3. (a) The permittee shall submit a complete NO<sub>x</sub> Budget permit application in accordance with 40 CFR Section 96.21(b)(1)(ii).

(b) The permittee shall submit a complete NO<sub>x</sub> Budget permit application in accordance with 40 CFR Section 97.21(b)(1)(ii).

4. The submission of all requests, reports, applications, submittals and other communications required by this plan approval and federal regulations, must be made to both the Department of Environmental Protection and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to: Associate Director Office of Enforcement and Compliance Assistance (3AP20) U.S. EPA, Region III

5. The permittee shall submit a complete Acid Rain permit application in accordance with 40 CFR Section 72.30(b)(2)(ii).

6. The permittee shall comply with the applicable Mandatory GHG Reporting requirements of 40 CFR Part 98.

(a) The facility shall comply with the requirements in 40 CFR Part 98 Subpart D, (40 CFR 98.40 through 98.48).

#### Work Practice Standards

1. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, high efficiency inlet air filters shall be used in the air inlet section of each combustion turbine (Source IDs 101, 102, and 103).

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall operate and maintain the stationary combustion turbine, heat recovery steam generator, duct burners and air pollution control equipment associated with Source IDs 101, 102, 103, 104, 105, and 106, and monitoring equipment in a manner consistent with good air pollution control practices for minimizing emissions at all times including during startup, shutdown, and malfunction.

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, all air-contaminant sources and control devices shall be maintained and operated in a manner consistent with good air pollution control practices and in accordance with the manufacturers' recommendations and maintenance plan.

4. Pursuant to the best available control technology of 40 CFR Section 52.21 and the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the heat input for each of the combined-cycle turbines shall not exceed 7,209 Btus/kW-hr (lower heating value), without duct burner firing. In order to demonstrate compliance the Permittee shall calculate the average net heat rate on an hourly basis consistent with equation F-20 and procedures provided in 40 CFR Part 75, Appendix F, § 5.5.2 and the results shall be corrected to ISO conditions (59 degrees F, 14.7 psia, and 67% humidity).

5. Pursuant to the best available control technology of the Prevention of Significant Deterioration provisions in 40 CFR Section 52.21 and of 25 Pa. Code § 127.83 and

the lowest achievable emission rate of the New Source Review Regulation provisions in 25 Pa. Code §§ 127.201–127.217 as well as the best available technology provisions in 25 Pa. Code §§ 127.1 and 127.12, each combustion turbine associated with Source IDs 101, 102, and 103 shall be equipped with dry-low-NO<sub>x</sub> (DLN) combustors.

6. [Additional authority for this permit condition is derived from 25 Pa. Code §§ 139.101(1)(iv), 139.101(2), 139.101(3), 139.101(4), 139.101(6), 139.101(7), 139.101(8), 139.101(12), 139.101(14) and 139.101(15)]

(a) Continuous Emission Monitoring Systems and components must be operated and maintained in accordance with the requirements established in 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources) and the “Quality Assurance” requirements in the Department’s Continuous Source Monitoring Manual, Revision No. 8, 274-0300-001.

(b) Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.

(c) Data Availability Standards: Continuous emission monitoring shall meet the following minimum data availability requirements:

1. In accordance with 25 Pa. Code § 139.101(12), required monitoring shall, at a minimum, meet one of the following data availability requirements unless otherwise stipulated in this permit, a plan approval, Title 25 or an order issued under Section 4 of the Air Pollution Control Act:

(a) In each calendar month, at least 90% of the time periods for which an emission standard or an operational parameter applies, shall be valid as set forth in the Quality Assurance section of Revision No. 8 of the Department’s Continuous Source Monitoring Manual, 274-0300-001; or

(b) In each calendar quarter, at least 95% of the hours shall be valid as set forth in the Quality Assurance section of Revision No. 8 of the Department’s Continuous Source Monitoring Manual, 274-0300-001.

2. Compliance with any subsequently issued revisions to the Continuous Source Monitoring Manual will constitute compliance with the regulations.

3. Emission Standard(s) To Which Data Availability Standard applies:

- (a) CO (ppmvd)
  - (b) NO<sub>x</sub> (ppmvd)
  - (c) CO<sub>2</sub> (lbs per MW-hr gross)
  - (d) Ammonia (ppmvd), if ammonia CEMS is installed
- Additional Requirements

1. The Department will not issue a plan approval, or an operating permit, or allow continued operations under an existing permit or plan approval unless the applicant demonstrates that the following special requirements are met:

(1) A new or modified facility subject to this subchapter shall comply with LAER, except as provided in § 127.203a(a)(2) (relating to applicability determination). When a facility is composed of several sources, only sources which are new or which are modified shall be required to implement LAER. In addition, LAER applies to the proposed modification which results in an increase in emissions and to subsequent or previous modifications

which result in emissions increases that are directly related to and normally included in the project associated with the proposed modification and which occurred within the contemporaneous period of the proposed emissions increase.

(i) A project that does not commence construction within 18 months of the date specified in the plan approval shall be reevaluated for its compliance with LAER before the start of construction.

(ii) A project that discontinues construction for 18 months or more after construction is commenced shall be reevaluated for its compliance with LAER before resuming construction.

(iii) A project that does not complete construction within the time period specified in the plan approval shall be reevaluated for its compliance with LAER.

(iv) A project that is constructed in phases shall be reevaluated for its compliance with LAER if there is a delay of greater than 18 months beyond the projected and approved commencement date for each independent phase.

(2) Each facility located within this Commonwealth which meets the requirements of and is subject to this subchapter, which is owned or operated by the applicant, or by an entity controlling, controlled by or under common control with the applicant, and which is subject to emissions limitations shall be in compliance, or on a schedule for compliance approved by the Department in a plan approval or permit, with the applicable emissions limitation and standards contained in this article. A responsible official of the applicant shall certify as to the facilities’ compliance in writing on a form provided by the Department.

(3) Each modification to a facility which meets the requirements of and is subject to this subchapter shall offset, in accordance with §§ 127.203, 127.203a and 127.210 (relating to facilities subject to special permit requirements; applicability determination; and offset ratios), the total of the net increase. Emissions offsets shall be required for the entire net emissions increase which occurred over the contemporaneous period except to the extent that emissions offsets or other reductions were previously applied against emissions increases in an earlier applicability determination.

(4) Each new facility which meets the requirements of and is subject to this subchapter shall offset the potential to emit of that facility with ERCs in accordance with § 127.210.

(5) For a new or modified facility which meets the requirements of and is subject to this subchapter, an analysis shall be conducted of alternative sites, sizes, production processes and environmental control techniques for the proposed facility, which demonstrates that the benefits of the proposed facility significantly outweigh the environmental and social costs imposed within this Commonwealth as a result of its location, construction or modification.

(6) In the case of a new or modified facility which is located in a nonattainment area, and within a zone, identified by the EPA Administrator, in consultation with the Secretary of Housing and Urban Development, as a zone to which economic development should be targeted, emissions of a pollutant resulting from the proposed new or modified facility may not cause or contribute to emission levels which exceed the allowance permitted for the pollutant for the area from new or modified facilities in the SIP.

(7) The Department may determine that the BAT requirements of this chapter are equivalent to BACT or LAER.

2. (a) The permittee shall comply with the applicable requirements of 40 CFR Part 96 and 25 Pa. Code Chapter 145 Subchapter D for each of the combustion turbines and HRSG.

(b) The permittee shall comply with the applicable requirements of 40 CFR Part 97 for each of the combustion turbines and HRSG.

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of the Plan Approval, may submit the information to the address shown below. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 35-00069A; a concise statement regarding the relevancy of the information or any objections to the issuance of the Plan Approval.

A public hearing will be held for the purpose of receiving comments on the proposed air quality plan approval. The hearing will be held on Wednesday, September 2, 2015 from 6-10 pm at Valley View High School, 1 Columbus Dr., Archbald, PA 18403. Persons interested in commenting are invited to appear at the public hearing.

Copies of the application, air modeling analysis used in the evaluation, the Department's technical review and other supporting documents are available for public inspection between the hours of 8 a.m. and 4 p.m. at the Department's Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling (570) 826-2511.

The general procedures for the hearing are as follows:

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent. The notice should be sent to Mark Wejksznar, Hearing Examiner, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. The Department will accept notices up to the day of the public hearing. This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments.

Each individual will have up to 10 minutes to present testimony. The Department requests that individuals present written copies of their testimony in addition to their oral presentations.

To insure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the hearing.

Persons unable to attend the hearing can submit written testimony to the Department through September 16, 2015.

The Department will address comments from the public before a final action is taken on the proposal. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval. Send written comments to Mark Wejksznar, Regional Air Quality Program Manager, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations should contact the Department at the address shown above, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may address their needs.

For additional information regarding the above, contact Mark Wejksznar at (570)-826-2511 or write to the Department at the Wilkes-Barre address given previously.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**06-05069Y: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) for modifying A-4 Facility production lines. The sources are located at their Lyon Station Plant in Richmond Township, **Berks County**. The project will increase the potential to emit NO<sub>x</sub> by 1.29 tpy, CO by 2.17 tpy, PM by 6.81 tpy, Pb by 0.64 tpy and VOC by 0.14 tpy. The facility is a Title V facility. Review by DEP of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 40 CFR 60 Subpart KK, CAM and BAT. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

#### OPERATING PERMITS

##### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507*

**45-00002: Rock Tenn Co.** (Paper Mill Road, Delaware Water Gap, PA 18327) The Department intends to issue a renewal Title V Operating Permit for a paperboard mill in Smithfield Township, **Monroe County**. Sources at the facility include two (2) combustion boilers, maintenance building heaters, paper coating process, one (1) emergency fire pump. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring,



recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00235: North Penn School District** (400 Penn Street, Lansdale, PA 19446) for a renewal of Synthetic Minor Operating Permit for North Penn High School in Towamencin Township, **Montgomery County**. This Operating Permit renewal contains all state and federal regulations applicable to the facility including emission limitations, operating restrictions, work practice, monitoring, and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00244: ACME Corrugated Box Inc.**, (2700 Turnpike Dr., Hatboro, PA 19040) for the renewal of a Natural Minor Operating Permit in Upper Moreland Township, **Montgomery County**. Source of emissions at this facility is a natural gas-fired boiler. The potential air emissions from this facility are: NO<sub>x</sub>—19.2 TPY, CO—7.48 TPY, and 11,077 TPY of CO<sub>2</sub>e greenhouse gases. The boiler is subject to 40 CFR Subpart Dc. The boiler is exempt from the regulations of 40 CFR Subpart JJJJJJ and operating hours on commercial fuel oil is monitored to justify that. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**36-05092: Greiner Industries, Inc.** (1650 Steel Way, Mount Joy, PA 17552) to issue a renewal of a State Only Operating Permit for a custom metal fabrication shop in Mount Joy Township, **Lancaster County**. Actual emissions from the site for 2014 include around 22.1 tons of volatile organic compounds (VOCs) and 13.2 tons of hazardous air pollutants (HAPs). The Operating Permit includes emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The facility's abrasive blasting and welding operations are subject to 40 CFR Part 63 Subpart XXXXXX—area source standards for Nine Metal Fabrication and Finishing Source Categories.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**49-00030: Sunbury Textile Mills, Inc.** (1200 Miller Street, PO Box 768, Sunbury, PA 17801) for their broadwoven cotton textile mills facility located in City of Sunbury, **Northumberland County**. The facility is currently operating under the State Only operating permit 49-00030. The facility's main sources include two natural gas/#2 fuel oil fired boilers, and two liquid petroleum gas-fired emergency generators. The facility has potential emissions of 17.12 tons per year of nitrogen oxides, 14.13

tons per year of carbon monoxide, 0.21 ton per year of sulfur oxides, 1.28 ton per year of particulate matter, 0.96 tons per year of volatile organic compounds, and 1.31 ton per year of total hazardous air pollutants (HAPs) while burning natural gas fuel at the facility. No emission or equipment changes are being proposed by this action at the site.

The emergency generators are subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Parts 63. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**49-00048: Blank Funeral Home** (395 State Street, Sunbury, PA 17801) for their funeral home located in Upper Augusta Township, **Northumberland County**. The facility is currently operating under the State Only operating permit 49-00048. The facility's main source is an All Crematory Corporation, model 2101, 1.4 MMBtu/hr input, natural gas fired, 150 lbs/hr, type 4 waste incinerator. The facility has potential emissions of 8.59 tons per year of nitrogen oxides, 2.15 tons per year of carbon monoxide, 0.05 tons per year of sulfur oxides, 0.30 ton per year of particulate matter, and 0.01 ton per year of volatile organic compounds. No emission or equipment changes are being proposed by this action at the site.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**19-00027: Melick Aquafeeds, Inc.** (75 Orchard Drive, Catawissa, PA 17820-1301) to issue a renewal State Only Operating Permit for their Catawissa Fish Food Plant located in Catawissa Borough, **Columbia County**. The facility is currently operating under State Only Operating Permit 19-00027. The facility's main sources include a fish food pellet dryer, truck unloading and feed batch prep area, a 50 hp hammermill, a pellet cooler, mill and screen an extruder and accompanying pneumatic conveyance system. The facility has potential emissions of 0.78 TPY of CO; 1.37 TPY of NO<sub>x</sub>; 0.01 TPY of SO<sub>x</sub>; 8.59 TPY of PM/PM<sub>10</sub>; 1.27 TPY of VOCs; 1,339 TPY GHGs.

The emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable require-



ments of 25 Pa. Code Chapters 121–145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1–1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301–3326); The Clean Streams Law (35 P. S. §§ 691.1–691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51–30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1–1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001–4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121–77.123 and 86.31–86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### *Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**Permit No. 11090101. Bedrock Mine, LP**, 111 Freeport Road, Pittsburgh, PA 15215, permit renewal for

reclamation only of a bituminous surface and auger mine in Blacklick Township, **Cambria County** affecting 101 acres. Receiving stream: unnamed tributary to South Branch Blacklick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 13, 2015.

**Permit No. 11080102 and NPDES No. PA0262641. Bell Resources, Inc.**, 1340 Hoyt Road, Curwensville, PA 16833, permit renewal for reclamation only of a bituminous surface mine in Susquehanna Township, **Cambria County**, affecting 33.4 acres. Receiving streams: West Branch Susquehanna River classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 4, 2015.

**Permit No. 56090101 and NPDES No. PA0262714. Heritage Coal & Natural Resources, LLC**, 184 W. Mud Pike Road, Rockwood, PA 15557, transfer of an existing bituminous surface mine from Elk Lick Township, **Somerset County**, affecting 173 acres. Receiving streams: unnamed tributary to/and Casselman River, unnamed tributaries to Piney Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 10, 2015.

**Permit No. 11140101 and NPDES No. PA0269450. Laurel Sand & Stone Inc.**, 210 E. Main St., P. O. Box 556, Ligonier, PA 15658, commencement, operation and restoration of a bituminous surface mine in Jackson Township, **Cambria County** affecting 24.8 acres. Receiving streams: unnamed tributaries to/and Bracken Run and unnamed tributaries to/and South Branch Blacklick Creek classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Buffalo Township Municipal Authority of Freeport, PA on Allegheny River. Application received: July 1, 2015.

The application includes stream encroachments to two unnamed tributaries to Bracken Run. The first encroachment is to use an existing stream crossing. The crossing is located approximately 7,200 feet upstream of the point at which Bracken Run crosses Plank Road and encroaches on the unnamed tributary for a distance of approximately 205 feet. The second encroachment is a stream crossing located approximately 7,500 feet upstream of the point where Bracken run crosses Plane Road and encroaches on an unnamed tributary for approximately 300 feet. These two encroachment areas were previously permitted under surface mining permit No. 11110102.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 11090101. Bedrock Mine, LP**, 111 Freeport Road, Pittsburgh, PA 15215, permit renewal for reclamation only of a bituminous surface and auger mine in Blacklick Township, **Cambria County** affecting 101 acres. Receiving stream: unnamed tributary to South Branch Blacklick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 13, 2015.

**Permit No. 11080102 and NPDES No. PA0262641. Bell Resources, Inc.**, 1340 Hoyt Road, Curwensville, PA 16833, permit renewal for reclamation only of a bituminous surface mine in Susquehanna Township, **Cambria County**, affecting 33.4 acres. Receiving streams: West

Branch Susquehanna River classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 4, 2015.

**Permit No. 56090101 and NPDES No. PA0262714. Heritage Coal & Natural Resources, LLC**, 184 W. Mud Pike Road, Rockwood, PA 15557, transfer of an existing bituminous surface mine from Elk Lick Township, **Somerset County**, affecting 173 acres. Receiving streams: unnamed tributary to/and Casselman River, unnamed tributaries to Piney Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 10, 2015.

**Permit No. 11140101 and NPDES No. PA0269450. Laurel Sand & Stone Inc.**, 210 E. Main St., P. O. Box 556, Ligonier, PA 15658, commencement, operation and restoration of a bituminous surface mine in Jackson Township, **Cambria County** affecting 24.8 acres. Receiving streams: unnamed tributaries to/and Bracken Run and unnamed tributaries to/and South Branch Blacklick Creek classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Buffalo Township Municipal Authority of Freeport, PA on Allegheny River. Application received: July 1, 2015.

The application includes stream encroachments to two unnamed tributaries to Bracken Run. The first encroachment is to use an existing stream crossing. The crossing is located approximately 7,200 feet upstream of the point at which Bracken Run crosses Plank Road and encroaches on the unnamed tributary for a distance of approximately 205 feet. The second encroachment is a stream crossing located approximately 7,500 feet upstream of the point where Bracken run crosses Plane Road and encroaches on an unnamed tributary for approximately 300 feet. These two encroachment areas were previously permitted under surface mining permit No. 11110102.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17090103 and NPDES PA0257079. Bell Resource Inc.** (1340 Hoyt Road, Curwensville, PA 16833). Permit

renewal for continued operation and restoration of a bituminous surface mine located in Boggs and Knox Townships, **Clearfield County** affecting 311.9 acres. Receiving stream(s): Unnamed Tributary #1 and #2 to Clearfield Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 13, 2015.

**17030107 and NPDES PA0243485. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830). Modification to the NPDES for passive treatment of a post mining discharge on a bituminous surface and auger mine located in Lawrence Township, **Clearfield County** affecting 50.2 acres. Receiving stream(s): Unnamed Tributary to Moose Creek classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: July 6, 2015.

**17980117 and NPDES PA0256269. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866). Modification to the NPDES for an alternate mine drainage treatment plan and revising the permit boundary area by deleting 5.1 acres and adding 5.1 acres on a bituminous surface mine located in Decatur Township, **Clearfield County** affecting 75.6 acres. Receiving stream(s): Laurel Run and Little Laurel Run to Moshannon Creek classified for the following use(s): CWF, MF. Application received: July 9, 2015.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 40-305-006GP12R2. Silverbrook Anthracite, Inc.**, (1 Market Street, Laflin, PA 18702), renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 40850203 in Newport Township, **Luzerne County**. Application received: July 16, 2015.

#### *Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**37150301 and NPDES Permit No. PA0259616. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Commencement, operation and restoration of a large industrial minerals mine in Slippery Rock Township, **Lawrence County**, affecting 71.4 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Camp Allegheny. Application received: June 26, 2015.

**1270-37150301-E-1. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary "B" to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: Unnamed tributary to Slippery Rock Creek, classified for the

following uses: CWF. The first downstream potable water supply intake from the point of discharge is Camp Allegheny. Application also includes a request for a Section 401 Water Quality Certification. Application received: June 26, 2015.

**37150301. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Application for a wetlands encroachment to allow for direct impacts to 2.39 acres of wetlands connected to unnamed tributary "B" to Slippery Rock Creek. As replacement for the wetlands, 3.33 acres of wetlands will be developed according to the Module 14.4 mitigation plan in Slippery Rock Township, **Lawrence County**. Receiving streams: Unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Camp Allegheny. Application also includes a request for a Section 401 Water Quality Certification. Application received: June 26, 2015.

**18119-43100302-E-1. Terra Resources, LLC** (267 Gilmore Road, Enon Valley, PA 16120) Application for a stream encroachment to conduct support activities within 100 feet of Lackawannock Creek in Jefferson Township, **Mercer County**. Receiving streams: Lackawannock Creek, classified for the following uses: TSF; and unnamed tributary to the Shenango River, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 13, 2015.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.



Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Coal NPDES Draft Permits*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**NPDES No. PA0090689 (Mining Permit No. 63841302), Maple Creek Mining, Inc.,** (c/o Murray Energy Corporation, 56854 Pleasant Ridge Road, Alledonia, OH 43902). A renewal to the NPDES and mining activity permit for the Maple Creek Mine in New Eagle Borough, **Washington County**. Surface Acres Affected 137.0, Underground Acres Affected 17,077.1. Receiving stream: Unnamed Tributary to Sawmill Creek, classified for the following use: WWF. Monongahela River. Receiving stream: Monongahela River, classified for the following use: WWF. Monongahela River. Receiving stream: Pigeon Creek, classified for the following use: WWF. Monongahela River. The application was considered administratively complete on May 11, 2001. Application received February 21, 2001.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The facility location of the non-discharge alternatives are listed below:

*Outfall 002* discharges to: UNT of Sawmill Creek

The proposed effluent limits for *Outfall 002* (Lat: 40° 11' 21" Long: 80° 00' 21") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	-	-
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Suspended Solids (mg/l)		35	70	90
Aluminum (mg/l)			Monitor & Report	
Sulfates (mg/l)				

*Outfall 013* discharges to: Monongahela River

The proposed effluent limits for *Outfall 013* (Lat: 40° 12' 37" Long: 79° 56' 40") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	-	-
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Suspended Solids (mg/l)		35	70	90
Aluminum (mg/l)			Monitor & Report	
Sulfates (mg/l)				

*Outfall 014* discharges to: Monongahela River

The proposed effluent limits for *Outfall 014* (Lat: 40° 12' 35" Long: 79° 56' 54") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	-	-
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Suspended Solids (mg/l)		35	70	90
Aluminum (mg/l)			Monitor & Report	
Sulfates (mg/l)				



Outfall 015 discharges to: Pigeon Creek

The proposed effluent limits for *Outfall 015* (Lat: 40° 10' 31" Long: 79° 57' 31") are:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-
Iron	(mg/l)	3.0	6.0	7.0
Manganese	(mg/l)	2.0	4.0	5.0
Suspended Solids	(mg/l)	35	70	90
Aluminum	(mg/l)		Monitor & Report	
Sulfates	(mg/l)		Monitor & Report	

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

**NPDES No. PA0603406 (Permit No. 33723006). CONSOL Mining Company, LLC** (CNX Center, 1000 Energy Drive, Canonsburg, PA 15317) Renewal of an existing NPDES permit for a bituminous surface and auger mine in Winslow Township, **Jefferson County**, affecting 450.2 acres. Receiving streams: unnamed tributary to Soldier Run, classified for the following uses: CWF. TMDL: None. Application received: June 22, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributary to Soldier Run:

Outfall No.	New Outfall (Y/N)
SP6	N

The proposed effluent limits for the above listed outfall(s) are as follows:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request

are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E23-518. Sunoco Partners Marketing & Terminals LP**, 100 Green Street, Marcus Hook, PA 19061, **Delaware County**; ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated the rehabilitation of Dock 1A at the Sunoco Marcus Hook Industrial Complex. Proposed structures will be installed to support the new project delivery system for propane, ethane and butane, and to support vessel berthing within the Delaware River (WWF/MF). Specific water obstruction and encroachment are:

1. To remove the existing pipeway, platform and H-piles at the turn of Dock 1A.

2. To remove the existing pipeway, platform and H-piles, the existing loading platform with H-piles, the existing walkway leading to the breasting cells, all existing steel beams and cross-bracing associated with the various structures, and the uppermost dolphin and the walkway leading to that dolphin, all along the Dock 1A portion parallel with the river when moving in the upriver direction against the stream flow.

3. To construct and maintain an assortment of auxiliary pile bents to support the proposed pipe support modules along the existing pipeway.

4. To construct and maintain a new 460-foot x 30-foot wide high deck pipeway.

5. To construct and maintain a new high deck roadway approximately 460-feet long by 15-feet wide, moving upriver from the remaining approach way.

6. To construct and maintain a new 144-foot x 126-foot high deck loading platform.

7. To construct and maintain six (6) new 20-foot x 22-foot mooring dolphins; three (3) each upriver and downriver from the two (2) remaining breasting cells. The two (2) remaining breasting cells will be re-rung to a new diameter of 43-feet.

8. To construct and maintain a new 4-feet wide walkways which will be installed connecting the loading platform to each breasting cell and then in turn to each mooring dolphin.

9. To construct and maintain additionally, two (2) new 21-foot x 21-foot and one (1) 21-foot x 16-foot breasting dolphins which will be installed at the face of the loading platform.

10. To construct and maintain a new 20-foot x 23-foot gangway/crane tower which will be installed on the loading platform.

The proposed Dock system reconstruction project will be constructed offshore within the Delaware River protruding from the Existing Sunoco Industrial Complex terminals in Marcus Hook, Delaware County, with Meridian at the center of the area of the proposed facility. (USGS Quadrangle Marcus Hook -Latitude 39° 48' 33" -Longitude 75° 24' 49").

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E45-597. Stroud Township**, 1211 North 5th Street, Stroudsburg, PA 18360-2646, in Stroud Township and Stroudsburg Borough, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 10-foot wide single-span, prefabricated steel beam truss pedestrian bridge with concrete abutments having a 110-foot span and a minimum 6-foot underclearance across Pocono Creek (HQ-CWF, MF). Fill will also be placed in the floodway and floodplain of the watercourse for a 10-foot wide walkway. The project is located approximately 0.1 mile south of the Columbus Avenue and Knight Street intersection (Stroudsburg, PA Quadrangle, Latitude: 40°59'11"; Longitude: -75°12'37").

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E10-496, Reibold Associates, Inc.**, 8037 Rowan Road, Cranberry Township PA 16066. Wilson's Ridge Phase 3

and 4, in Forward Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 40°, 48', 20.96"; W: 80°, 00', 41.95").

Applicant proposes to construct phases 3 and 4 of the Wilson's Ridge residential development consisting of 72 single family homes along with all associated grading, roadways, utilities, and stormwater management facilities. The project will include 1 roadway crossing impacting 0.167 acre of PEM wetland and 25 LF of UNT Connoquenessing Creek. Mitigation for these impacts is proposed in the form of the creation of 0.21 acre of wetland onsite, just downstream from the impact location.

**E33-252, PA DOT District 10-0**, 2550 Oakland Ave., Indiana, PA 15701. SR 0436 Section 552 Bridge Replacement Project across Mahoning Creek, Punxsutawney Borough, **Jefferson County**, ACOE Pittsburgh District (Punxsutawney, PA Quadrangle N: 40°, 56', 33"; W: -78°, 59', 34").

To remove the existing structure and to construct and maintain a multi-girder steel bridge having four spans of 196.0 feet, 285.0 feet, 165.0 feet and 146.0 feet, and an underclearance of 54.62 feet on a 90° skew across Mahoning Creek and temporarily impacting 0.02 acre of adjoining PEM wetlands with the temporary construction access on SR 0436 Segment 0050 Offset 0000 approximately 600 feet south of its intersection with SR 0036 in Punxsutawney Borough, Jefferson County. The proposed structure will be constructed 56.0 feet downstream of the existing structure.

**E61-298, Oil Creek Township**, 16835 Shreve Run Road, Pleasantville, PA 16341. Oil Creek Township Wastewater Collection, in Oil Creek Township, **Venango County**, ACOE Pittsburgh District (Pleasantville, PA Quadrangle N: 41°, 35', 41"; W: 79°, 34', 51").

Applicant proposes to install a wastewater collection system in Oil Creek Township, Venango County consisting of approximately 72,750 LF of small diameter, low pressure sewer with individual grinder pumps at each service connection. Installation will involve 7 crossings of tributaries to Pine Creek, 1 crossing of a tributary to West Pine Creek, 1 crossing of a tributary to Pithole Creek, 3 crossings of tributaries West Pithole Creek, and 8 crossings of wetlands. Crossings will be installed by horizontal directional drill with bore pits located outside of resource boundaries. Disturbed areas will be restored to original contours and stabilized upon completion of work. No mitigation is proposed as no direct impact to resources is anticipated.

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335; 814-332-6860*

**E10-08-007, Interstate Gas Marketing Inc.**, 2018 South 6th Street, Indiana, PA 15701. Wells Pipeline in Oakland and Center Townships, **Butler County**, Army Corps of Engineers Pittsburgh District (East Butler, PA Quadrangles 40°56'40"N; -79°52'38"W).

The applicant constructed approximately 3,030 linear feet of two (2) inch steel natural gas gathering pipeline located in Oakland and Center Townships, Butler County. The pipeline connects existing Well Pads.

The project resulted in a total of 20 linear feet of temporary stream impacts and 0.0027 acre of temporary wetland impacts.

The water obstructions and encroachments are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude/Longitude</i>
1	One (1) 2" natural gas pipeline bored under Pine Run (WWF-WT) & associated PFO wetland (EV). There are 20 linear feet of temporary stream impact and 0.0027 acre of temporary wetland impact.	40°56'35.00"N -79°52'19.00"W

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### I. NPDES Renewal Permit Actions

*Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS802213 (Storm Water)	UPS—Stroudsburg 2129 Rockdale Lane Stroudsburg, PA 18360	Monroe County Stroud Township	Little Pocono Creek (1-E)	Y
PA0063851 (Sewage)	Sweet Valley MHP STP 26 Updyke Road Hunlock Creek, PA 18621	Luzerne County Ross Township	Lewis Run (5-B)	Y

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0038130 (Sew)	Mont Alto Borough PO Box 427 Mont Alto, PA 17237-0427	Franklin County/ Quincy Township	UNT West Branch Antietam Creek (13-C)	Y
PA0083585 (Sew)	Todd Township 2998 East Dutch Corner Road McConnellsburg, PA 17233	Fulton County/ Todd Township	Licking Creek (13-B)	Y
PA0261343 (Sew)	Joshua Hill Sewer Company, LLC 929 Baltimore Street Hanover, PA 17331	York County/ West Manheim Township	UNT West Branch Codorus Creek (7-H)	Y
PA0034754 (Sew)	GSP Management Company— Alex Acres MHP PO Box 677 Morgantown, PA 19543	Dauphin County/ Halifax Township	Gurdy Run (6-C)	Y
PA0081876 (Sew)	Audubon Park, Inc. 322 South Hanover Street Carlisle, PA 17013	York County/ Monaghan Township	Yellow Breeches Creek (7-E)	Y
PA0261530 (Sew)	Roddy A. Runyan 1370 Waggoners Gap Road Carlisle, PA 17013	Cumberland County/ North Middleton Township	Conodoguinet Creek (7-B)	Y
PA0046221 (Sew)	Newville Borough Water & Sewer Authority 99 Cove Alley Newville, PA 17241	Cumberland County/ Newville Borough	Big Spring Creek (7-B)	Y
PA0055328 (IW)	New Morgan Landfill Company, Inc.— Conestoga Landfill 420 Quarry Road PO Box 128 Morgantown, PA 19543-0128	Berks County/ New Morgan Borough	Conestoga River (7-J)	Y

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0209155 (NM)	Sandro Sorge Apartments Spruce Run Road Millville, PA 17846	Columbia County Madison Township	Spruce Run (5-C)	Y
PA0113301 (Industrial Wastewater)	Mansfield Borough Municipal Authority Shaw Road Mansfield, PA 16933	Tioga County Richmond Township	Lambs Creek (4-A)	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0103098 (Industrial Waste)	Reynolds Water WTP 71 Crestview Drive Ext Greenville, PA 16125	Mercer County Pymatuning Township	Shenango River (20-A)	Y
PA0223042 (Sewage)	Farmington Township STP Clarion Putnam Drive Leeper, PA 16233	Clarion County Farmington Township	Unnamed Tributary to Licking Creek (17-B)	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

**NPDES Permit No. PA0110582**, Sewage, SIC Code 4952, **Eastern Snyder County Regional Authority**, P. O. Box 330, Selinsgrove, PA 17870-330.

This existing facility is located in Penn Township, **Snyder County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.



### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

**WQM Permit No. 0815401**, SIC Code 4952, **Wysox Township Municipal Authority**, 724 Main Street, Towanda, PA 18848-1616.

The proposed facilities will be located in Wysox Township, **Bradford County**.

Description of Proposed Action/Activity: Permit issued authorizing the sewer extension from the existing WTMA collection system to Panda Liberty. The extension will consist of a new pumping station, a force main and a renovated pumping station.

#### Categorical Exclusion

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

Location: City of Johnstown, 401 Main Street, Johnstown, PA 15901

Description of Proposed Action/Activity: Proposed construction of the Oakhurst Area Sanitary Sewer Rehabilitation Project.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a funding source. The Department's review of the project and the information received has not identified any significant adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Location: City of Johnstown, 401 Main Street, Johnstown, PA 15901 Description of Proposed Action/Activity: Proposed construction of the Moxham—Phase I Area Sanitary Sewer Rehabilitation Project.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a funding source. The Department's review of the project and the information received has not identified any significant adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI024810002(1)	Pennsylvania Department of Transportation	Northampton	City of Bethlehem	Saucon Creek (HQ-CWF, MF)
PAI023914020	Lehigh County	Lehigh & Northampton	Coplay Borough and Northampton Borough	Lehigh River (TSF, MF)
PAI024515002	Wal-Mart Stores, Inc. (Mark S. Goldsmith) 2001 S.E. 10th Street Bentonville, AR 72716-5570	Monroe	Coolbaugh Township	Polly's Run (HQ-CWF, MF)

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Butler County Conservation District, 122 McCune Drive, Butler, PA 16001-6501*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI061015001	PADOT Eng District 10-0 2550 Oakland Avenue Indiana, PA 15701	Butler	Winfield Township	Little Buffalo Creek HQ-TSF

### VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

#### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems

PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02*

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Allen Township, Northampton County and Hanover Township, Lehigh County	PAG02004814017	Rockefeller Group Development Corporation Clark Machemer 1221 Avenue of the Americas New York, NY 10020	Catasauqua Creek (CWF, MF)	Northampton County Conservation District 610-746-1971
Butler Township	PAG02004015006	UGI Utilities, Inc. Tony Sayegh 2121 City Line Road Bethlehem, PA 18017	Nescopeck Creek (TSF, MF)	Luzerne Conservation District 570-674-7991
Wright Township	PAG02004015010	KT Holdings, Inc. Doug Barbacci 58 Pittston Avenue Pittston, PA 18640	Wapwallopen Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Tobyhanna Township, Monroe County Tunkhannock Township, Monroe County Buck Township, Luzerne County	ESG00089150001	Transcontinental Gas Pipe Line Company 2800 Post Oak Boulevard Level 17 Houston, TX 77056	Tunkhannock Creek and UNT (HQ-CWF, MF) Tobyhanna Creek and UNT (HQ-CWF, MF) Two Mile Run and UNT (HQ-CWF, MF) Stony Run (Monroe County) (HQ-CWF, MF) UNT to Stony Run (Luzerne County) (HQ-CWF) Lehigh River (EV, MF/WTS) Lehigh River UNT (EV, MF) Kendall Creek (EV, MF/WTS) Kendall Creek UNT (EV, MF)	Monroe County Conservation District 570-629-3060

Compliance with the terms and conditions of this erosion and sediment control permit is required as part of the Section 401 Water Quality Certification issued for the Leidy Southeast Expansion Project on published at 45 Pa.B. 2003 (April 6, 2015).

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Woodbury Township Blair County	PAG02000715003 Issued	Tim Stone 1710 Lower Piney Creek Road Williamsburg, PA 16693	UNT to Frankstown Branch of Juniata River/WWF, MF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877 ext. 5
Upper Leacock Township Lancaster County	PAG02003615049 Issued	M&G Realty 2100 North George Street York, PA 17404	Unnamed Tributary To The Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext.121
Fairview Township York County	PAG02006714012-3 Issued	Pennsylvania American Water Company 800 West Hersheypark Drive Hershey, PA 17033	Yellow Breeches Creek/CWF, MF and UNT to Yellow Breeches Creek/CWF, MF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-430
Manchester Township and West Manchester Township York County	PAG02006715005 Issued	Pennsylvania Dept. of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103-1699	Little Conewago Creek/TSF, MF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-430
Manchester Township York County	PAG02006715019 Issued	Stephen T. Perko 1345 Mill Creek Road York, PA 17404	Little Conewago Creek/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-430
Codorus Township York County	PAG02006715012 Issued	Syed Rizvi 1 Appomattox Court Mechanicsburg, PA 17050	Centerville Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-430
Springfield Township York County	PAG02006715043 Issued	Pawan & Suneela Arora 7783 Player Boulevard Seven Valleys, PA 17360	Hollow Creek (tributary to EB Codorus Creek)/CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-430
Montgomery Township Franklin County	PAG02002814017R(1) Issued	Mercersburg Academy 300 East Seminary Street Mercersburg, PA 17236	UNT to Johnston Run/WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Greene Township Franklin County	PAG02002815018 Issued	Eagle Rock Ph. 1 S&A Custom Homes 2966 Philadelphia Avenue Chambersburg, PA 17201	UNT to East Branch of Conococheague Creek/CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hamilton Township Franklin County	PAG02002815009 Issued	Majestic Ridge 143 East Queen Street Chambersburg, PA 17201	UNT to Back Creek/TSF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 717-264-5499
Bedford Township Bedford County	PAG02000515001 Issued	Bedford Township Municipal Authority P. O. Box 371 Bedford, PA 15522	Dunning Creek/WWF, MF	Bedford County Conservation District 702 West Pitt Street, Suite 4 Bedford, PA 15522 814-623-8099
Greenwich Township Berks County	PAG02000615 022 Issued	Dean Bruno 720 Old 22 Lenhartsville, PA 19534	UNT to Mill Creek/TSF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657
Southampton Township Cumberland County	PAG02002115017 Issued	Walter Burkholder 518 Mountain Estates Road Shippensburg, PA 17257	Thompson Creek/CWF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-5359
Lower Paxton Township Dauphin County	PAG02002213046-1 Issued	Lower Paxton Township Authority 425 Prince Street Harrisburg, PA 17109	Beaver & Paxton Creeks/WWF, MF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Conewago Township Dauphin County	PAG02002215019 Issued	Abner Fisher 2054 Spring Hollow Road Strasburg, PA 17579	Conewago Creek/TSF, MF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Lykens Township Dauphin County	PAG02002215027 Issued	Linford Snyder PO Box 870 Jonestown, PA 17038	Deep Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Carroll Township Perry County	PAG0203501004 Issued	Robert L. Brunner 5033 Spring Road Shermans Dale, PA 17090	UNT to Shermans Creek/WWF UNT to Fishing Run/WWF	Perry County Conservation District 31 West Main Street PO Box 36 New Bloomfield, PA 17068 717-582-5119



*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3636*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bradford County Leroy Twp	PAG02000815008	Conor Gillespie First Pennsylvania Resource LLC 380 Southpointe Blvd Ste 405 Canonsburg, PA 15317	UNT to Towanda Creek CWF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6
Centre County Boggs Twp	PAG02001415012	Hoon Won CNG Bald Eagle LLC 1865 Center St Camp Hill, PA 17011	Bald Eagle Creek TSF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Columbia County Montour Twp	PAG02001915003	Wayne Brouse 2084 Rt 522 Selinsgrove, PA 17870	Montour Run CWF	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
Lycoming County Clinton Twp	PAG02004115007	Michael Hasel PPL Electric Utilities 1639 Church Rd Allentown, PA 18101	UNT WB Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
Snyder County Monroe Twp/Shamokin Dam	PAG02005514008(1)	Hummel Station LLC Old Trail Rd Shamokin Dam, PA 17876	Rolling Green Run WWF, MF UNT to Sus. River WWF, MF Sus. River WWF, MF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110
Slippery Rock Township Butler County	PAG02001014015(1)	Slippery Rock Area School District 201 Keister Road Slippery Rock, PA 16057	UNT Slippery Rock Creek WWF	Butler County Conservation District 724-284-5270
Slippery Rock Township Butler County	PAG02001015013	Allegheny Mineral Coporation PO Box 1022 Kittanning, PA 16201	UNT Slippery Rock Creek CWF	Butler County Conservation District 724-284-5270
Springfield Township Mercer County	PAG02004315005	GCDS LLC 306 Sycamore Street Altoona, PA 16602	UNT Black Run CWF	Mercer County Conservation District 724-662-2242
City of Warren Warren County	PAG02006215001	The City of Warren 318 West Third Ave West Warren, PA 16365	Allegheny River WWF	Warren County Conservation District 814-726-1441

*General Permit Type—PAG-03*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Eddystone Borough Delaware County	PAR310001 A-1	Baker Petrolite LLC 2929 Allen Oarkway Houston, TX 77019	Ridley Creek—3-G	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Falls Township Bucks County	PAR800101	USPS 950 W Trenton Avenue Morrisville, PA 19067-9998	Rock Run—2-E	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Berks County/ Douglass Township	PAG033520	Frontier Mulch Products, Inc.— Douglassville Quarry PO Box 785 Quakertown, PA 18951	UNT Schuylkill River/WWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County/ Warrington Township	PAR603521	Witmer's Auto Salvage 340 Fickes Road Dillsburg, PA 17019	Beaver Creek/WWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Blair County/ Snyder Township	PAR603554	Tyrone Auto Salvage 5053 East Pleasant Valley Blvd Tyrone, PA 16686	Little Juniata River/TSF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Huntingdon County/ Porter Township	PAR143507	ACCO Brands USA 949 Main Street Alexandria, PA 16611	Frankstown Branch Juniata River/WWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Franklin County/ Antrim Township	PAR803642	JLG Industries, Inc.— Molly Pitcher Highway Facility 1 JLG Drive McConnellsburg, PA 17233	UNT to Conococheague Creek/WWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Franklin County/ Antrim Township	PAR803520	JLG Industries, Inc.— Hykes Road Facility 1 JLG Drive McConnellsburg, PA 17233	UNT to Conococheague Creek/WWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Blair County/ Logan Township	PAR803509	Ward Trucking, LLC—(ALT-001) PO Box 1553 1449 Ward Trucking Drive Altoona, PA 16603-1553	Kettle Creek (001) and Little Juniata River (002 & 003)/ TSF, MF, WWF & MF (existing use is CWF)	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County/ Sinking Spring Borough	PAR803685	Reading Terminals—DE LLC— Sinking Spring East Bulk Petroleum Terminal PO Box 2621 Harrisburg, PA 17105	Cacoosing Creek/CWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County/ Amity Township	PAR233507	CEI Douglassville 447 Old Swede Road Douglassville, PA 19518	UNT Schuylkill River/WWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
York County/ Red Lion Borough	PAR123524	Ardent Mills— Red Lion Flour Mill 321 Taylor Avenue Red Lion, PA 17356-2211	Pine Run/CWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Mifflin County/ Granville Township	PAR223515	CMH Manufacturing Inc dba Marlette Homes, Inc. 30 Industrial Park Road Lewistown, PA 17044	Juniata River/WWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-7 NOI*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
West Fall Township Pike County	PAG072201	Pike County Environmental P. O. Box 127 Matamoras, PA 18336	1116 Delaware Drive West Fall Township	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

*General Permit Type—PAG-8*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Upper Allen Township Wastewater Treatment Plant 400 Creekside Drive Grantham, PA 17027	PAG083592	Upper Allen Township 100 Gettysburg Pike Mechanicsburg, PA 17055	Upper Allen Township Wastewater Treatment Plant 400 Creekside Drive Grantham, PA 17027	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Cumberland County/ Upper Allen Township				

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Lower Mount Bethel Northampton County	WMGR-099 PAG 08-2211 PAG 08-3565 PAG 07-3508 PAG 08-3506 PAG 08-2203 PAG 07-0003 PAG 08-3522 PAG 07-0005 PAG 08-0008 PAG 08-3515 PAG 08-0003 PAG 08-3501 PAG 08-3825 PAG 08-0004 PAG 08-0002 PAG 08-9904 PAG 08-3535 PAG 08-9910 PAG 08-3547 PAG 08-0005 PAG 08-3551 PAG 08-0006	Synagro P. O. Box B 1605 Dooley Road Whiteford, MD 21160	Yetter Farm 5116 Mortons Creek Belvidere Highway	PA DEP NERO 2 Public Square Wilkes-Barre, PA 18701-1915 (570) 826-2511

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Site Name &  
Location*

*Contact Office &  
Phone No.*

PAG 08-3518  
PAG 08-9909  
PAG 08-3540  
PAG 08-9905  
PAG 08-9903  
PABIG -9903  
PAG 08-3556  
PAG 08-3596  
PAG 08-3567  
PAG 08-0018  
PAG 08-3510  
PAG 08-3600  
PAG 08-3573  
PAG 08-3597  
PAG 08-3605  
PAG 08-0021  
PAG 08-2219  
PAG 08-0011  
PAG 08-3610  
PAG 08-3568

Berks County/  
Heidelberg Township

PAG080002  
PAG080003  
PAG080007  
PAG080011  
PAG080013  
PAG080016  
PAG080018  
PAG080021  
PAG082203  
PAG083518  
PAG083519  
PAG083551  
PAG083567  
PAG083568  
PAG083597  
PAG083605  
PAG083825

Amerigreen, Inc.  
96 Commerce Drive  
PO Box 170  
Wyomissing, PA 19610

Prime Agra  
Corporate Farm  
  
Berks County/  
Heidelberg Township

DEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

*General Permit Type—PAG-10*

*Facility Location  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

Forest Lake and  
Middletown  
Townships  
Susquehanna County

PAG102329

Williams Field Services  
Company, LLC  
Park Place Corporate Center 2  
2000 Commerce Drive  
Pittsburgh, PA 15275-1026

Stonestreet Creek  
and an Unnamed  
Tributary to Middle  
Branch Wyalusing  
Creek—04D

DEP Northeast  
Regional Office  
Clean Water Program  
2 Public Square,  
Wilkes-Barre, PA  
18701-1915  
570.826.2511

Auburn, Dimock and  
Springville Townships  
Susquehanna County

PAG102328

Williams Field Services  
Company, LLC  
Park Place Corporate Center 2  
2000 Commerce Drive  
Pittsburgh, PA 15275-1026

Unnamed Tributary  
to Dority Creek,  
Unnamed Tributary  
to Riley Creek and  
White Creek—04G

DEP Northeast  
Regional Office  
Clean Water Program  
2 Public Square,  
Wilkes-Barre, PA  
18701-1915  
570.826.2511



*General Permit Type—PAG-12*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Berks County/ Penn Township	PAG123587	Ryan Rutt 524 N. Garfield Road Bernville, PA 19506-9017	Licking Creek/TSF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act**

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**Permit No. 5515502-MA—Construction—Public Water Supply.**

Applicant	<b>Perry Township Municipal Authority</b>
Township/Borough	Perry Township
County	<b>Snyder</b>
Responsible Official	Ronald L. Mowery, Chairman Perry Township Municipal Authority P. O. Box 27 Mount Pleasant Mills, PA 17853
Type of Facility	Public Water Supply

Consulting Engineer	Mark V. Glenn Gwin, Dobson & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
Permit Issued	July 17, 2015
Description of Action	Rehabilitation of Perry Township Municipal Authority's 0.137 MG bolted stainless steel water storage tank while using a rented hydropneumatic storage tank.

**Permit No. 4915501-MA—Construction—Public Water Supply.**

Applicant	<b>Aqua Pennsylvania, Inc.—Roaring Creek Division</b>
Township/Borough	Coal Township
County	<b>Northumberland</b>
Responsible Official	Patrick R. Burke, Director of Operations Aqua Pennsylvania, Inc. 204 E. Sunbury Street Shamokin, PA 17872
Type of Facility	Public Water Supply
Consulting Engineer	Jonathan Morris, PE GHD 326 East 2nd Street Bloomsburg, PA 17815
Permit Issued	July 20, 2015
Description of Action	Repainting and making minor repairs to the Ferndale finished water storage tank.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit No. 6514513, Public Water Supply.**

Applicant	<b>Municipal Authority of Westmoreland County</b> 124 Park & Pool Road New Stanton, PA 15672
[Borough or Township]	Leechburg Township
County	<b>Armstrong</b>
Type of Facility	Leechburg water storage tank
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street PO Box 853 Latrobe, PA 15650
Permit to Construct Issued	July 9, 2015

**Permit No. 6514511**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Borough or Township] Washington Township

County **Westmoreland**

Type of Facility North Washington water storage tank

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct Issued July 9, 2015

**Permit No. 6514512**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Borough or Township] Kiskiminetas Township

County **Westmoreland**

Type of Facility Kiski #2 water storage tank

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct Issued July 9, 2015

**Permit No. 3015502**, Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**  
1442 Jefferson Road  
PO Box 187  
Jefferson, PA 15344

[Borough or Township] Cumberland Township

County **Greene**

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
Suite 200  
267 Blue Run Road  
Cheswick, PA 15024

Permit to Construct Issued July 9, 2015

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5030008) Kittanning Borough and Rayburn Township, **Armstrong County** on July 9, 2015 for the operation of facilities approved under Construction Permit # 0313502.

**Operations Permit** issued to: **Authority of the Borough of Charleroi**, 3 McKean Avenue, PO Box 211, Charleroi, PA 15022, (PWSID #5630039) Charleroi Borough, **Washington County** on July 9, 2015 for the operation of facilities approved under Construction Permit # 6303501.

**Operations Permit** issued to: **Borough of Blawnox**, 376 Freeport Road, Blawnox, PA 15238, (PWSID

#5020004) O'Hara Township, **Allegheny County** on July 16, 2015 for the operation of facilities approved under Construction Permit # 0214540MA.

**Operations Permit** issued to: **Monroeville Municipal Authority**, 219 Speelman Lane, Monroeville, PA 15146, (PWSID #5020027) Monroeville Borough, **Allegheny County** on July 16, 2015 for the operation of facilities approved under Construction Permit # 0213537MA.

**Operations Permit** issued to: **Monroeville Municipal Authority**, 219 Speelman Lane, Monroeville, PA 15146, (PWSID #5020027) Monroeville Borough, **Allegheny County** on July 16, 2015 for the operation of facilities approved under Construction Permit # 0213541MA.

**Operations Permit** issued to: **Monroeville Municipal Authority**, 219 Speelman Lane, Monroeville, PA 15146, (PWSID #5020027) Monroeville Borough, **Allegheny County** on July 16, 2015 for the operation of facilities approved under Construction Permit # 0213542MA.

**Operations Permit** issued to: **Parks Township Municipal Authority**, 1106 Highland Avenue, Vandergrift, PA 15690, (PWSID #5030025) Parks Township, **Armstrong County** on July 17, 2015 for the operation of facilities approved under Construction Permit # 0312507.

**Operations Permit** issued to: **Hooversville Borough Municipal Authority**, 550 Main Street, Hooversville, PA 15936, (PWSID #4560037) Quemahoning Township, **Somerset County** on July 17, 2015 for the operation of facilities approved under Construction Permit # 5614505MA.

**Operations Permit** issued to: **Northern Cambria Municipal Authority**, 1202 Philadelphia Avenue, Northern Cambria, PA 15714, (PWSID #4110003) Northern Cambria Borough, **Cambria County** on July 16, 2015 for the operation of facilities approved under Construction Permit # 1113509MA.

**Operations Permit** issued to: **Northern Cambria Municipal Authority**, 1202 Philadelphia Avenue, Northern Cambria, PA 15714, (PWSID #4110003) Barr Township, **Cambria County** on July 16, 2015 for the operation of facilities approved under Construction Permit # 1113504.

**Operations Permit** issued to: **Central Indiana County Water Authority**, 30 East Wiley Street, Homer City, PA 15748, (PWSID #5320040) Center Township, **Indiana County** on July 17, 2015 for the operation of facilities approved under Construction Permit # 3213517.

**Permit No. 3015505MA, Minor Amendment.** Public Water Supply.

Applicant	<b>Southwestern Pennsylvania Water Authority</b> 1442 Jefferson Road PO Box 187 Jefferson, PA 15344
[Borough or Township]	Cumberland Township
County	<b>Greene</b>
Type of Facility	Old Ferry Road waterline
Consulting Engineer	Bankson Engineers, Inc. Suite 200 267 Blue Run Road Cheswick, PA 15024

Permit to Construct July 9, 2015  
Issued

**Permit No. 1115504MA, Minor Amendment.** Public Water Supply.

Applicant **Southwestern Cambria County Water Authority**  
79 Vogel Street  
Johnstown, PA 15902

[Borough or Township] Conemaugh Township  
County **Cambria**

Type of Facility Clapboard Tank #1  
Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Construct July 9, 2015  
Issued

**Permit No. 1115505MA, Minor Amendment.** Public Water Supply.

Applicant **Southwestern Cambria County Water Authority**  
79 Vogel Street  
Johnstown, PA 15902

[Borough or Township] Conemaugh Township  
County **Cambria**

Type of Facility Clapboard Tank #2  
Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Construct July 9, 2015  
Issued

**Permit No. 1115506MA, Minor Amendment.** Public Water Supply.

Applicant **Southwestern Cambria County Water Authority**  
79 Vogel Street  
Johnstown, PA 15902

[Borough or Township] Conemaugh Township  
County **Cambria**

Type of Facility Cover Hill Tank  
Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Construct July 9, 2015  
Issued

**Permit No. 1115507MA, Minor Amendment.** Public Water Supply.

Applicant **Southwestern Cambria County Water Authority**  
79 Vogel Street  
Johnstown, PA 15902

[Borough or Township] Conemaugh Township  
County **Cambria**

Type of Facility Mizel Lane Tank  
Consulting Engineer The EADS Group, Inc.  
450 Aberdeen Drive  
Somerset, PA 15501

Permit to Construct July 9, 2015  
Issued

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Operation Permit** issued to **Redbank Valley Municipal Authority**, PWSID No. 6160010, New Bethlehem Borough, **Clarion County**. Permit Number 1606502-MA1 issued July 14, 2015 for the operation of a permanent secondary intake. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on June 30, 2015.

**Permit No., 2514506** Public Water Supply

Applicant **Lake City Borough**

Township or Borough Lake City Borough

County **Erie**

Type of Facility Public Water Supply

Consulting Engineer Chad W. Yurisc, P.E.  
Deiss & Halmi Engineering, Inc.  
105 Meadville Street  
Edinboro, PA 16412

Permit to Construct July 14, 2015  
Issued

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the



appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Lawrence Transportation**, US Route 15 N, East Buffalo Township, **Union County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857 on behalf of Lawrence Transportation, US Route 15 N, Lewisburg, PA 17837 submitted a Final Report concerning remediation of site soils contaminated with Diesel Fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Furman Foods**, Isle of Que Farm Fields, Penn Township, **Snyder County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of Furman Foods, 770 Cannery Road, Northumberland, PA 17857, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Watsonstown Trucking Project**, State Route 147 N, Lower Augusta Township, **Northumberland County**. Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of Watsonstown Trucking Project State Route 147 N, Sunbury, PA 17857 submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Wolfe's General Store**, Rt. 414 Brown Township, **Lycoming County**. ECC Horizon, One Emery Avenue, Randolph, NJ 07869, on behalf of Liberty Mutual, PO Box 1967, Indianapolis, IN 46206, submitted a Final Report concerning remediation of site groundwater contaminated with fuel oil and kerosene for property owned by Thomas and Debra Finkbinder, PO Box 3, Slate Run, PA 17769. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**RH&A Enterprises (Penn Lock Corp)**, 21 Noyes Avenue, Swoyersville Borough, **Luzerne County**. Quad 3 Group Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507, on behalf of RH&A Enterprises, 1400 San Souci Highway, Hanover, PA 18706, submitted a Remedial Investigation Report, and Final Report concerning remediation of site soil contaminated with 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Allentown School District Media Center**, 1249 South Roth Avenue, City of Allentown, **Lehigh County**. Element Environmental Solutions Inc., 61 Willow Street, P. O. Box 921, Adamstown, PA 19501, on behalf of Allentown School District, 1301 Sumner Avenue, Allentown, PA 18102, submitted a Remedial Investigation Report and Final Report concerning remediation of site soils contaminated with Naphthalene, 1,2,4-Trimethylbenzene, 1,2,3-Trimethylbenzene, 1,3,5-Trimethylbenzene, and Lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Suburban Heating Oil Partners Lewistown**, 115 Kishacoquillas Pike, Lewistown, PA, Derry Township, **Mifflin County**. CEMATS, 3232 Seneca Turnpike, PO Box 68, Canastota, NY 13032, on behalf of Suburban Heating Oil Partners, PO Box 4833, Syracuse, NY 13032, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Nonresidential Statewide Health and Site Specific Standards.

**Former O-Z/Gedney Company LLC Facility**, 150 Birch Hill Road, Shoemakersville, Perry Township, **Berks County**. WSP USA Corporation, 11190 Sunrise Valley Drive, Suite 300, Reston, VA 20191, on behalf of Emerson, 8000 West Florissant Avenue, St. Louis, MO 63136-1415, and Event Horizon Holdings, LLC, 150 Birch Hill Road, Shoemakersville, PA 19555, submitted a Final Report concerning site soils and groundwater contaminated with PCBs, PAHs and Inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Metal Powder Products**, 150 Ford Road, City of Saint Marys, **Elk County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Metal Powder Products, LLC, 16855 Southpark Drive, Suite 100, Westfield, IN 46074, submitted a Cleanup Plan/Final Report concerning the remediation of site soil contaminated with Benzene, Bromodichloromethane, 2-Butanone, n-Butylbenzene, sec-Butylbenzene, tert-Butylbenzene, 3-Chloro-1-propene, Chloroethane, Chloroform, Chloromethane, 2-Chlorotoluene, 4-Chlorotoluene, Cumene, p-Cymene, 1,2-Dibromoethane, 1,2-Dichlorobenzene, 1,1-Dichloroethane, 1,2-Dichloroethane, 1,1-Dichloroethene, cis-1,2-Dichloroethene, trans-1,2-Dichloroethene, Ethylbenzene, Methylene Chloride, Naphthalene, n-Propylbenzene, Styrene, Tetrahydrofuran, Toluene, 1,2,4-Trichlorobenzene, 1,1,1-Trichloroethane, Trichloroethene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Vinyl Chloride, Xylenes and site groundwater contaminated with Acetone, Benzene, Bromodichloromethane, 2-Butanone, sec-Butylbenzene, tert-Butylbenzene, Carbon Tetrachloride, 3-Chloro-1-propene, Chloroethane, Chloroform, 4-Chlorotoluene, Cumene, p-Cymene, 1,1-Dichloroethane, 1,2-Dichloroethane, 1,1-Dichloroethene, cis-1,2-Dichloroethene, trans-1,2-Dichloroethene, 1,2-Dichloropropane, Ethylbenzene, 4-Methyl-2-Pentanone, Methylene Chloride, Naphthalene, n-Propylbenzene, Toluene, 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, Trichloroethene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, and Vinyl Chloride. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**River's Edge at Oakmont (former Parcel A Edgewater Steel site)**, 41 Allegheny Avenue, Borough of Oakmont, **Allegheny County**. Alan Halparin PG, LLC, 5049 Northlawn Circle, Murrysburg, PA 15668 on behalf of Book and Blair Homes, LLC, 310 Seven Fields Boulevard, Seven Fields, PA 16046 has submitted a Final



Report concerning the remediation of site soil contaminated with arsenic, lead, iron, cadmium and groundwater contaminated with iron and manganese. The report is intended to document remediation of the site to meet the Site Specific standard. Notice of the Final Report was published in the *Tribune Review* on July 2, 2015.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Former Cerro Metals Facility Plant 1 Area, 2022 Axemann Road, Spring Township, Centre County.** Letterle & Associates, 629 East Rolling Drive, Bellefonte, PA 16823 on behalf of Former Cerro Metals Facility Plant 1 Area, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents and aromatic hydrocarbons. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on January 29, 2015.

**Furman Foods, Isle of Que Farm Fields, Penn Township, Snyder County.** Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857, on behalf of Furman Foods, 770 Cannery Road, Northumberland, PA 17857 submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on July 15, 2015.

**Watsonstown Trucking Project, State Route 147 N, Lower Augusta Township, Northumberland County.** Northridge Group, Inc., P. O. Box 231, Northumberland, PA 17857 on behalf of Watsonstown Trucking Project, State Route 147 N, near Jews Hollow Road, Sunbury, PA 17857 submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on July 14, 2015.

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**750L Release Site/416 Weaver Road/Buckeye Pipeline, 416 Weaver Road, Manheim, PA, Rapho Township, Lancaster County.** Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Buckeye Partners, LP, Five TEK Park, 9999 Hamilton Boulevard, Breinigsville, PA 18031, and RJR Leasing, LLC, 416 Weaver Road, Manheim, PA 17545, submitted a Remedial Investigation Report, Cleanup Plan, and Final Report concerning remediation of site soils and groundwater contaminated with unleaded gasoline from a ruptured pipeline. The Remedial Investigation Report, Cleanup Plan, and Final Report did not demonstrate attainment of a combination of Residential Statewide Health and Site Specific Standards, and were disapproved by the Department on July 15, 2015.

**Suburban Heating Oil Partners Lewistown, 115 Kishacoquillas Pike, Lewistown, PA, Derry Township, Mifflin County.** CEMATS, 3232 Seneca Turnpike, PO Box 68, Canastota, NY 13032, on behalf of Suburban Heating Oil Partners, PO Box 4833, Syracuse, NY 13032, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with petroleum products. The combined Report was administratively incomplete and was disapproved by the Department on July 15, 2015.

**Former American Color Graphics, 215 North Zarfoss Drive, York, PA 17404, West Manchester Township, York County.** Rambol ENVIRON US Corporation, 214 Carnegie Center, Suite 200, Princeton, NJ 08540, on behalf of Gordon York, LP, 215 North Zarfoss Drive, York, PA 17404, and Alvarez & Marsal North America, LLC, 600 Madison Avenue, 8th Floor, New York, NY 10022,

submitted a Final Report concerning remediation of site soils and groundwater contaminated with VOCs. The Final Report did not demonstrate attainment of the Nonresidential Statewide Health Standard, and was disapproved by the Department on July 17, 2015.

**Former O-Z/Gedney Company LLC Facility**, 150 Birch Hill Road, Shoemakersville, Perry Township, **Berks County**. WSP USA Corporation, 11190 Sunrise Valley Drive, Suite 300, Reston, VA 20191, on behalf of Emerson, 8000 West Florissant Avenue, St. Louis, MO 63136-1415, and Event Horizon Holdings, LLC, 150 Birch Hill Road, Shoemakersville, PA 19555, submitted a Final Report concerning remediation of site soils and groundwater contaminated with PCBs, PAHs and Inorganics to meet the Site Specific Standard. The Final Report was administratively incomplete and was disapproved by the Department on July 21, 2015.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Patton B Unit No. 7H**, 1313 Whitestown Road, Connoquenessing Township, **Butler County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of XTO Energy, Inc., 395 Airport Road, Indiana, PA 15701, submitted a Remedial Investigation/Risk Assessment/Final Report concerning the remediation of site soil contaminated with Aluminum, Antimony, Arsenic, Barium, Beryllium, Boron, Cadmium, Chromium, Cobalt, Copper, Iron, Lead, Manganese, Mercury, Nickel, Selenium, Silver, Thallium, Vanadium, Zinc, Chloride, Benzene, Naphthalene, Toluene, Acenaphthene, Acenaphthylene, Anthracene, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Chrysene, Dibenzo[a,h]anthracene, Ethylene Glycol, Fluoranthene, Fluorene, Indeno[1,2,3-cd]pyrene, Phenanthrene, Phenol, and Pyrene. The Remedial Investigation/Risk Assessment/Final Report demonstrated attainment of a combination of the Site-Specific and Statewide Health Standards and was approved by the Department on July 10, 2014.

**Farnsworth Fish Hatchery**, 6200 Farnsworth Road, Forest Service Road 154, Cherry Grove Township, **Warren County**. Environmental Remediation & Recovery, Inc., 4250 Route 6 N, Edinboro, PA 16412, on behalf of USA Forest Service—Allegheny National Forest, 4 Farm Colony Drive, Warren, PA 16365, submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Ethylbenzene, Isopropylbenzene (Cumene), Methyl-tert-butyl-ether, Naphthalene, Toluene, 1,2,4-Trimethylbenzene, and 1,3,5-Trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 10, 2015.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**The Encore on 7th**, 100 7th Street, City of Pittsburgh, **Allegheny County**. Woodard & Curran, 300 Penn Center Blvd., Suite 800, Pittsburgh, PA 15235 on behalf of BIT Holdings Sixty-Five, Inc., c/o PNC Bank, N.A., One East Pratt Street, 5th Floor, C3-C411-5C, Baltimore, MD, 21202 submitted a Final Report concerning the remediation of site soils and groundwater contaminated with volatile and semi-volatile organic compounds (VOCs & SVOCs), polynuclear aromatic hydrocarbons and inorganic compounds. The final report demonstrated attainment

of the Site Specific standard for soil and groundwater and was approved by the Department on July 15, 2015.

### HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*

#### Hazardous Waste Transporter License Issued

**Action Trucking Company, Inc.**, 3010 Burns Avenue, Wantagh, NY 11793. License No. PA-AH 0826. Effective April 23, 2015.

**Ace Environmental Services, LLC**, 3512 Fairfield Road, Baltimore, MD 21226. License No. PA-AH 0823. Effective May 12, 2015.

**AES Asset Acquisition Corporation, DBA American Transportation Services, LLC**, (ATS), 310 Seven Fields Blvd, Suite 210, Seven Fields, PA 16046. License No. PA-AH 0825. Effective June 8, 2015.

#### Hazardous Waste Transporter License Renewed

**Horwith Trucks, Inc.**, P. O. Box 7, Northampton, PA 18067. License No. PA-AH 0176. Effective April 14, 2015.

**Bio-Team Mobile, LLC**, 6 E. Kendig Road, Willow Street, PA 17584. License No. PA-AH 0733. Effective April 10, 2015.

**EQ Northeast, Inc.**, 185 Industrial Road, Wrentham, MA 02093-0617. License No. PA-AH 0224. Effective April 21, 2015.

**WRS Environmental Services, Inc.**, 17 Old Dock Road, Yaphank, NY 11980. License No. PA-AH 0805. Effective April 21, 2015.

**Bishop & Associates, Inc.**, P. O. Box 6483, Baltimore, MD 21230. License No. PA-AH 0717. Effective April 23, 2015.

**Laidlaw Carriers Tank GP, Inc.**, 1179 Ridgeway Road, P. O. Box 1669, Woodstock, ON N4S 0A9 Canada. License No. PA-AH 0704. Effective April 28, 2015.

**Laidlaw Carriers Bulk GP, Inc.**, 1179 Ridgeway Road, P. O. Box 1669, Woodstock, ON N4S 0A9 Canada. License No. PA-AH 0703. Effective April 28, 2015.

**Dupre Logistics, LLC**, 201 Energy Parkway, Suite 500, Lafayette, LA 70508. License No. PA-AH 0764. Effective May 1, 2015.

**Weavertown Transport Leasing, Inc.**, 2 Dorrington Road, Carnegie, PA 15106. License No. PA-AH 0263. Effective May 4, 2015.

**Beelman Truck Company**, 1 Racehorse Drive, East St. Louis, IL 62205. License No. PA-AH 0363. Effective May 6, 2015.

**Clean Venture, Inc.**, 201 South First Street, Elizabeth, NJ 07206. License No. PA-AH 0299. Effective May 19, 2015.

**Elliott Truck Line, Inc.**, P. O. Box 1, 532 South Wilson Street, Vinita, OK 74301. License No. PA-AH 0355. Effective May 28, 2015.

**Select Transportation, Inc.**, 5055 Nike Drive, Hilliard, OH 43026. License No. PA-AH 0469. Effective June 1, 2015.

**Wade Salvage, Inc.**, 382 Jackson Road, Atco, NJ 08004. License No. PA-AH S246. Effective June 5, 2015.

**Environmental Waste Minimization, Inc.**, 14 Brick Kiln Ct, Northampton, PA 18067. License No. PA-AH 0682. Effective June 10, 2015.

**Safety-Kleen Systems, Inc.**, P. O. Box 9149, Norwell, MA 02061. License No. PA-AH 0172. Effective June 10, 2015.

**EQ Industrial Services, Inc.**, 17440 College Parkway, Suite 300, Livonia, MI 48152. License No. PA-AH 0615. Effective June 11, 2015.

**Lionetti Oil Recovery, Inc.**, DBA Lorco, 450 South Front Street, Elizabeth, NJ 07202. License No. PA-AH 0567. Effective June 15, 2015.

**Chemtron Corporation**, 35850 Schneider Ct., Avon, OH 44011. License No. PA-AH 0199. Effective June 18, 2015.

**Interstate Ventures, Inc.**, 2553 Quality Lane, Knoxville, TN 37931. License No. PA-AH 0732. Effective June 23, 2015.

**Quality Carriers, Inc.**, 102 Pickering Way, Suite 105, Exton, PA 19341. License No. PA-AH 0630. Effective June 29, 2015.

**Waste Recovery Solutions, Inc.**, 343 King Street, Myerstown, PA 17067. License No. PA-AH 0683. Effective July 7, 2015.

**Sumter Transport Company**, P. O. Box 1060, Sumter, SC 29151-1060. License No. PA-AH 0439. Effective July 8, 2015.

#### **Hazardous Waste Transporter License Application Denied**

**Republic Services of PA, Environmental Solutions, Inc.**, 73 West Noblestown Road, Carnegie, PA 15106. License No. PA-AH 0821. Effective June 24, 2015.

**Hawk Logistics Limited**, 171 Gass Road, Pittsburgh, PA 15299. License No. PA-AH 0822. Effective June 18, 2015.

**Environmental Maintenance Services, Inc.**, 10 Grammar Avenue, Prospect, CT 06712. License No. PA-AH 0818. Effective June 24, 2015.

**Frymar Construction Inc.**, 279 Hendrix Road, Philadelphia, PA 19116. License No. PA-AH 0827. Effective June 17, 2015.

#### **Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act and regulations to transport hazardous waste.**

*Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*

#### **Hazardous Waste Transporter License Voluntarily Terminated**

**Bishop & Associations, Inc.**, P. O. Box 6483, Baltimore, MD 21230. License No. PA-AH 0717. Effective June 10, 2015.

#### **Hazardous Waste Transporter License Expired**

**Predator Trucking Company**, P. O. Box 315, McDonald, OH 44437. License No. PA-AH 0787. Effective June 30, 2015.

#### **INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE**

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*

#### **Infectious and Chemotherapeutic Waste Transporter License Issued**

**Bio York, LLC**, 600 Scranton-Carbondale Highway, Eynon, PA 18043. License No. PA-HC 0265. Effective May 5, 2015.

**Advo Waste Medical Services, LLC**, P. O. Box 356, Lakewood, NJ 08701. License No. PA-HC 0264. Effective May 12, 2015.

**Choice MedWaste, LLC**, P. O. Box 1443, Hockessin, DE 19707. License No. PA-HC 0266. Effective June 4, 2015.

#### **Infectious and Chemotherapeutic Waste Transporter License Renewed**

**S-J Transportation Company, Inc.**, 1176 US Route 40, Woodstown, NJ 08098. License No. PA-HC 0031. Effective April 13, 2015.

**R. Mor Enterprises, Inc.**, 11 Harts Lane, Suite E, East Brunswick, NJ 08816. License No. PA-HC 0246. Effective April 28, 2015.

**Carlucci Construction Company, Inc.**, 401 Meadow Street, Cheswick, PA 15024. License No. PA-HC 0015. Effective June 5, 2015.

**Bio-Haz Solutions, Inc.**, 23 Tonoli Road, Nesquehoning, PA 18240. License No. PA-HC 0191. Effective June 9, 2015.

**Hamilton Pet Meadow, Inc.**, 1500 Klockner Road, Hamilton, NJ 08619. License No. PA-HC 0227. Effective June 15, 2015.

**York Hospital**, 1001 South George Street, York, PA 17405. License No. PA-HC 0017. Effective June 16, 2015.

**Asepsis, Inc.**, 424 West Lincoln Highway, Suite 204, Pennndel, PA 19047. License No. PA-HC 0014. Effective June 24, 2015.

**Agape Pet Services, LLC**, 19712 Shepherdstown Pike, Boonsboro, MD 21713. License No. PA-HC 0240. Effective June 23, 2015.

**Curtis Bay Energy, Inc.**, 3200 Hawkins Point Road, Baltimore, MD 21226. License No. PA-HC 0236. Effective July 1, 2015.

#### **Infectious and Chemotherapeutic Waste Transporter License, actions taken under the Solid Waste Management Act and Act 93 of June 28, 1988 and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*



### Infectious and Chemotherapeutic Waste Transporter License Expired

**Medical Waste Recovery, Inc.**, 9 Broadway, Suite 30, Denville, NJ 07834. License No. PA-HC 0233. Effective April 30, 2015.

**Central Medical Waste Services, LLC**, 357 Bethel Church Road, New Cumberland, PA 17070. License No. PA-HC 0256. Effective May 31, 2015.

### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. § 4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone, 412-442-4000.*

**General Permit No. WMGR017SW002. Highland Sewer & Water Authority**, 120 Tank Drive, Johnstown, PA 15904. For the beneficial use of drinking water plant treatment sludge for use as a soil additive on agricultural lands in Summerhill Township, **Cambria County**. Renewal of Determination of Applicability for coverage under the General Permit was issued in the Regional Office on July 20, 2015.

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**General Permit No. WMGR044NE002. Monroe County Recycling & Alternative Fuel LLC**, 2213 Shafer Rd., Stroudsburg, PA 18360. An application was received for Determination of Applicability (DOA) for the processing prior to beneficial use of construction and demolition waste to produce a fuel. The facility is located in Hamilton Township, **Monroe County**. The application for Determination of Applicability was received in the Regional Office on April 24, 2015, and was deemed administratively complete on July 10, 2015.

Persons interested in obtaining more information about the Determination of Applicability application may contact Jeffrey Spaide, Environmental Engineer Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1519 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

Public comments must be submitted within 60 days of the publication of this notice, and these comments may recommend revisions to, and approval or denial of the application.

### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920*

**GP3-15-0070: Terra Technical Services, LLC.** (5 Countryview Road, Malvern, PA 19355) On July 16, 2015, was authorized to install and operate the crusher (one unit 300 tons/hr) in East Whiteland Township, **Chester County**.

**GP9-15-0023: Terra Technical Services, LLC.** (5 Countryview Road, Malvern, PA 19355) On July 16, 2015, was authorized to install and operate the diesel-fired engine (one unit, 366 BHPs) in East Whiteland Township, **Chester County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920*

**46-0277: Lite Tech Inc.** (975 Madison Ave, Norristown, PA 19403) On July 10, 2015 to manufacturing plastic products, in Lower Providence Township, **Montgomery County**.

**23-0038E: DELCORA** (100 E. 5th St, PO Box 999, Chester, PA 19016) On July 10, 2015 to operate trans and utilities sewage systems in Chester City, **Delaware County**.

**23-0009G: The Boeing Company** (PO Box 16858, MS P29-14), Philadelphia, PA 19142) On July 10, 2015 to manufacturing aircraft in Ridley Township, **Delaware County**.

**23-0003Y: Monroe Energy, LLC** (4101 Post Road, Trainer, PA 19061) On June 29, 2015, for minor modification to the Plan Approval for installing a new or reconstructed boiler (Source ID 053) in Upper Darby Township, **Delaware County**. The minor modification is to change the source name to Boiler No. 14, and to incorporate 6.08 tons of NO<sub>x</sub> emission reduction credits into the plan approval.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**22-05012C: ArcelorMittal Steelton, LLC** (215 South Front Street, Steelton, PA 17113-2538) on July 16, 2015, for the construction of a natural gas-fired walking beam reheat furnace to replace three soaking pit batteries and a heated roller table at the steel manufacturing facility in Steelton Borough, **Dauphin County**. The plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**14-00002O: Graymont (PA), Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) on July 8, 2015, extended the authorization an additional 180 days from July 25, 2015 to January 21, 2016, to continue the evaluation of compliance with the plan approval conditions. Additionally, the extension allows continued operation of the source located in Spring Township, **Centre**



**County**, pending issuance of Title V operating permit. The plan approval has been extended.

**18-00021A: Avery Dennison Performance Polymers** (171 Draketown Road, Mill Hall, PA 17751) on July 14, 2015, extended the authorization an additional 180 days from July 26, 2015, to January 22, 2016, for the installation of a new recuperative thermal oxidizer (RTO) to control the air contaminant emissions from eight (8) existing reactor systems (R-100 through R-800) incorporated in Source ID P102 at their facility located in Bald Eagle Township, **Clinton County**. The plan approval has been extended.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**06-05063: Boyertown Foundry Co.** (Ninth Street & Rothermel Drive, PO Box 443, New Berlinville, PA 19545-0443) on July 15, 2015, for the gray iron foundry located in Boyertown Borough, **Berks County**. The Title V permit was renewed.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**25-00541: Penn-Union Corporation** (229, Waterford Street, Edinboro, PA 16412-2381) on July 14, 2015, for issuance of the natural minor permit. The facility is located in Edinboro Borough, **Erie County**. The facility manufactures current-carrying wiring devices. The facility's emitting sources include: 1) Electric Induction Furnaces (3), 2) Rotary Casting Unit, 3) Manual Casting Unit, 4) Push out furnace/Aluminum, 5) Muller "A" Sand Return/Mixing Unit, 6) Shot Blast (West Wheelabrators C & D), 7) Deslagging Ladles (A&B), and, 8) Miscellaneous Natural Gas Process Units. The facility removed the following sources: 1) Degreaser Boiler and 2) Degreaser (Batch Cold Cleaning) emitting source of Perchloroethylene (HAP), 3) Hand Plating line, 4) Automatic Plating Line, 5) Plating Boiler, 6) Core Machine B, 7) East Tumblers A-E, 8) Manual Stripping Station, 9) PVC System, 10) Electric Core oven and, 11) Sludge cake dryer. Thus, the facility is a Natural Minor Permit. The Potential emissions from the facility are PM: 9.82 TPY, SO<sub>x</sub>: 32.57 TPY, NO<sub>x</sub>: 3.84 TPY, VOC: 0.21 TPY, CO: 3.22 TPY.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**23-00018: Exelon Generation Company, LLC—Chester Generating Station**, (2501 Seaport Drive, Chester, PA 19013) On July 14, 2015, is a Title V facility located in the City of Chester, **Delaware County**. The Title V Operating Permit was revised to address an appeal of their Title V Operating Permit issued on December 29, 2014. Specifically, conditions involving specific emission factors for the combustion turbines and a limit on the hours of operation were removed from the permit because the language was determined to be unnecessary for compliance with the applicable requirements for the combustion turbines or the language created duplicative limits with other applicable limits in the permit. The changes to the permit do not result in an increase of emissions from the facility. The revision to the permit was made in accordance with 25 Pa. Code § 127.450.

*Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**06-05044: PA DHS Wernersville State Hospital** (PO Box 300, Wernersville, PA 19565-0300) on July 17, 2015, for the Wernersville State Hospital located in South Heidelberg Township, **Berks County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 06-05044A.

**21-05009: Martins Creek, LLC** (835 Hamilton Street, Suite 150, Allentown, PA 18101) on July 16, 2015, for the combustion turbine facility located in Lower Allen Township, **Cumberland County**. The Title V permit was administratively amended to reflect a change of name, address, and responsible official.

**22-05011: Martins Creek, LLC** (835 Hamilton Street, Suite 150, Allentown, PA 18101) on July 16, 2015, for the combustion turbine facility located in Harrisburg City, **Dauphin County**. The Title V permit was administratively amended to reflect a change of name, address, and responsible official.

**06-05069: East Penn Manufacturing Co.** (Deka Road, PO Box 147, Lyon Station, PA 19536) on July 14, 2015, for the lead battery manufacturing facility located in Richmond Township, **Berks County**. The Title V permit was administratively amended in order to incorporate the requirements of Plan Approval No. 06-05069T and also underwent a significant modification to revise the discharge hour restrictions in SG08 007 AAA.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-00188: Gamesa Wind PA, LLC** (400 Gamesa Drive, Fairless Hills, PA 19030-5010) On July 15, 2015, for revocation of the State Only Operating Permit due to a permanent shutdown of a wind turbine component manufacturing plant in Falls Township, **Bucks County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**GP5-59-194B: SWEPI LP** (2100 Georgetown Drive, Suite 400, Sewickely, PA 15143), terminated General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) on June 30, 2015, for their Pierson 801 well site located in Gaines Township, **Tioga County**. The facility emits all air contaminants below the emission exemption thresholds.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a).** The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

### *Coal Permits Issued*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**17041301 and NPDES No. PA0235628. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201-1504). To revise the permit for the Penfield Mine in Huston Township, **Clearfield County** and related NPDES permit to install a sludge disposal borehole into existing workings of Penfield Mine. Surface Acres Proposed 5.7. No additional discharges. The application was considered administratively complete on May 5, 2015. Application received January 29, 2015. Permit issued July 14, 2014.

**32011302 and NPDES No. PA0235521. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the Gillhouser Run Deep Mine in Buffington and Brush Valley Townships, **Indiana County** and related NPDES permit from AMFIRE Mining Company, LLC to Rosebud Mining Company. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-32011302-R21. No additional discharges. The application was considered administratively complete on March 4, 2015. Application received December 31, 2014. Permit issued July 14, 2015.

**32011302 and NPDES No. PA0235521 and GP12-32011302-R21. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Gillhouser Run Deep Mine in Buffington and Brush Valley Townships, **Indiana County** a new Bureau of Air Quality GP12 Permit was issued in conjunction with this renewal. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-32011302-R21. No additional discharges. The appli-

cation was considered administratively complete on August 12, 2013. Application received June 14, 2013. Permit issued July 14, 2015.

**30001301. Dana Mining Company of Pennsylvania, LLC**, (308 Dents Run Road, Morgantown, WV 26501). To renew the permit for the Crawdad Portal B Mine in Dunkard and Perry Townships, **Greene County**. The application was considered administratively complete on December 29, 2011. Application received June 30, 2011. Permit issued July 14, 2015.

**32841602 and NPDES No. PA0092631. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the Clymer Tipple in Cherryhill Township, **Indiana County** and related NPDES permit from AMFIRE Mining Company, LLC to Rosebud Mining Company. No additional discharges. The application was considered administratively complete on March 4, 2015. Application received December 31, 2014. Permit issued July 14, 2015.

**04971301 and NPDES No. PA0215074. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Beaver Valley Mine in Greene and Raccoon Townships, **Beaver County**. No additional discharges. The application was considered administratively complete on March 21, 2013. Application received October 10, 2012. Permit issued July 14, 2015.

**32041301 and NPDES No. PA0235644. Western Allegheny Energy, LLC**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Brush Valley Mine in Center and Brush Valley Townships, **Indiana County**. No additional discharges. The application was considered administratively complete on February 29, 2012. Application received June 6, 2011. Permit issued July 14, 2015.

**32041301 and NPDES No. PA0235644. Western Allegheny Energy, LLC**, (301 Market Street, Kittanning, PA 16201). To revise and transfer the permit and related NPDES permit for the Brush Valley Mine in Center and Brush Valley Townships, **Indiana County** to add underground permit and subsidence control plan acres. The mine and related NPDES permit are being transferred from Rosebud Mining Company. Underground Acres Proposed 1,857.0, Subsidence Control Plan Acres Proposed 3,359.0. No additional discharges. The application was considered administratively complete on June 27, 2012. Application received January 30, 2012. Permit issued July 14, 2015.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**37100301. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Renewal of NPDES Permit No. PA0258890 in Slippery Rock Township, **Lawrence County**. Receiving streams: Slippery Rock Creek. Application received: April 13, 2015. Permit Issued: July 9, 2015.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17880103 and NPDES PA0116246. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Permit renewal issued for reclamation only for continued passive treatment system on a bituminous surface mine located in Bradford Township, **Clearfield County** affecting 54.8 acres. Receiving stream(s): Unnamed Tributaries to Roaring Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: September 22, 2014. Permit issued: July 10, 2015.



**17080102 and NPDES PA0256722. Forcey Coal, Inc.** (P. O. Box 225, 475 Banion Road, Madera, PA 16661). Permit renewal for the continued operation and restoration of a bituminous surface mine in Bigler Township, **Clearfield County** affecting 100.0 acres. Receiving stream(s): Unnamed Tributary to Banian Run, Banian Run, and Unnamed Tributaries to Muddy Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 3, 2014. Permit issued: July 8, 2015.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 40-305-015GP12. Newport Aggregates, Inc.,** (76 Main Road, Glen Lyon, PA 18617), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 40940203 in Jenkins Township, **Luzerne County**. Application received: March 17, 2015. Permit issued: July 20, 2015.

#### *Noncoal Permits Issued*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**14060302 and NPDES PA0256447. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, Suite 203, State College, PA 16803). NPDES renewal for continued operation and reclamation of a large noncoal surface mining site located in Spring Township, **Centre County** affecting 23.6 acres. Receiving stream(s): Spring Creek classified for the following use(s): CWF. Application received: August 25, 2014. Permit issued: July 13, 2015.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**37100301. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201) Renewal of NPDES Permit No. PA0258890 in Slippery Rock Township, **Lawrence County**. Receiving streams: Slippery Rock Creek. Application received: April 13, 2015. Permit Issued: July 9, 2015.

### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Issued*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**14154106. Douglas Explosives Inc.** (P. O. Box 77, Philipsburg, PA 16866). Blasting for residential development located in Benner Township, **Centre County** with an expiration date of December 30, 2015. Permit issued: July 16, 2015.

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500. Contact: Cathy Hillman*

**65154002. Senex Explosives, Inc.** (710 Millers Run Road, Cuddy, PA 15031). Blasting activity permit for the construction at the Greenridge Landfill Borrow Area, located in East Huntingdon Township, **Westmoreland County** with an exploration date of July 9, 2016. Blasting permit issued: July 16, 2015.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**Permit No. 06154106. Maine Drilling & Blasting, Inc.,** (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Western Berks Landfill in Cumru Township, **Berks County** with an expiration date of July 24, 2016. Permit issued: July 14, 2015.

**Permit No. 15154104. M & J Explosives, LLC,** (P. O. Box 1248, Carlisle, PA 17013), construction blasting for Covenant Church in East Whiteland Township, **Chester County** with an expiration date of July 7, 2016. Permit issued: July 14, 2015.

**Permit No. 15154105. M & J Explosives, LLC,** (P. O. Box 1248, Carlisle, PA 17013), construction blasting for Covenant Church in East Whiteland Township, **Chester County** with an expiration date of July 14, 2016. Permit issued: July 20, 2015.

**Permit No. 35154103. Hayduk Enterprises, Inc.,** (257 Riverside Drive, Factoryville, PA 18419), construction blasting for PPL Lackawanna-Providence 69KV Line Rebuild Project in the City of Scranton, Dickson City and Blakeley Boroughs and Scott Township, **Lackawanna County** with an expiration date of July 31, 2016. Permit issued: July 20, 2015.

**Permit No. 36154128. Maine Drilling & Blasting, Inc.,** (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Bishop Woods in West Donegal Township, **Lancaster County** with an expiration date of July 23, 2016. Permit issued: July 20, 2015.

**Permit No. 38154114. Keystone Blasting Service,** (15 Hopeland Road, Lititz, PA 17543), construction blasting for Eagle Rental in West Cornwall Township, **Lebanon County** with an expiration date of December 30, 2015. Permit issued: July 20, 2015.

### **FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E23-514. Mary Carroll King, Ravenscliff—Roundhill Homeowners Association, CAMCO Management Company, 511 West Chester Pike, Havertown, PA 19083, Radnor Township, Delaware County, ACOE Philadelphia District.**

To perform the following water obstruction and encroachment activities within the floodway of the Julip Run (CWF, MF) associated with the stream improvements.

To remove the remnants of previous stream restoration. To rehabilitate and maintain about 175 feet of stream, including five rock step structures. Stream restoration will require minor realignment.

1. To rehabilitate and maintain about 80 feet of bank stabilization.

2. To repair the exposed utility crossing under the stream.

The site is located about 1,000 feet northwest of intersection Church Road and St. Davids Road (Valley Forge—PA USGS Quadrangle Latitude 40.024652; Longitude -75.401895).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

**E23-509. Hartford Properties, LLC, 1000 S. Lenola Road, Bldg. 2, Suite 100, Maple Shade, NJ 08052, Brookhaven Borough, Delaware County, ACOE Philadelphia District.**

To place a fill on 0.09 acre of an Unnamed tributary to Chester Creek for the purpose of construction of commercial stores, shopping center, and associated parking lot and storm water management facilities.

The site is located southeast of the intersection of Edgemont Avenue (S.R. 352) and Coebourn Boulevard, (Media and Marcus Hook, USGS Quad Map; Latitude: 35.5232, Longitude; -75.2350).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

*Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511*

**E39-532. Lehigh County, Lehigh County Government Center, 17 South Seventh Street, Allentown, PA 18101. Coplay Borough, Lehigh County and Northampton Borough, Northampton County, Army Corps of Engineers Philadelphia District.**

To remove the existing structure and to construct and maintain a 44.69-foot to 50.69-foot wide (width varies), 8-span composite prestressed concrete bulb-tee bridge across the Lehigh River (TSF, MF) and the Lehigh Canal having a 1,110-foot span and a 66-foot approximate under-clearance and to construct and maintain two outfall structures in the floodway of the Lehigh River (TSF, MF), both consisting of a 48-inch HDPE pipe with a concrete headwall and riprap aprons. The project is located on Chestnut Street (SR 7404, Section 07M) between intersections with Front Street and Main Street (Catasauqua, PA Quadrangle Latitude: 40°40'34"; Longitude: -75°29'21").

**E45-586. Transcontinental Gas Pipe Line Company, LLC, 2800 Post Oak Boulevard, Houston, TX 77056. Tobyhanna and Tunkhannock Townships, Monroe County, Army Corps of Engineers Philadelphia District.**

To construct and maintain the following water obstructions and encroachments associated with the Monroe County portion of the "Franklin Loop" of the Leidy Southeast Expansion Project for the purpose of constructing a 42-inch diameter natural gas transmission line. Compliance with the terms and conditions of the permit for these water obstructions and encroachments is required as part of the Section 401 Water Quality Certification issued for the Leidy Southeast Expansion Project on April 6, 2015 (45 Pa.B. 2003). The Monroe County portion of the project is 7.97 miles long. The Monroe County portion of the project begins at the Lehigh River (Luzerne County/Monroe County Line), approximately 0.5 mile east of the intersection of U.S. Route 115 and T-443 (Pleasant View Summit, PA Quadrangle Latitude: 41° 8' 8.68"; Longitude: 75° 37' 41.82") in Tobyhanna Township, Monroe County and terminates approximately 300 feet southeast of the intersection of Cartwright Road and Long Pond Road (S.R. 4002) (Blakeslee, PA Quadrangle Latitude: 41° 3' 13.0"; Longitude: -75° 31' 30.30") in Tunkhannock Township, Monroe County. The Monroe County portion of the project will temporarily impact 13.69 acres of wetlands and 2,889 linear feet of streams.

1. (SS-001-026) A 42-inch diameter natural gas transmission line crossing of the Lehigh River (EV, MF) (Latitude: 41° 08' 7.96"; Longitude: -75° 37' 41.85") in Tobyhanna Township, Monroe County.

2. (WW-001-038) A 42-inch diameter natural gas transmission line crossing of 64-L.F. of EV wetlands (Latitude: 41° 08' 6.56"; Longitude: -75° 37' 39.62") in Tobyhanna Township, Monroe County.

3. (WW-006-003) A 42-inch diameter natural gas transmission line crossing of 37-L.F. of EV wetlands (Latitude: 41° 08' 3.10"; Longitude: -75° 37' 29.38") in Tobyhanna Township, Monroe County.

4. (SS-001-025) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Lehigh River (EV, MF) (Latitude: 41° 07' 52.31"; Longitude: -75° 37' 18.51") in Tobyhanna Township, Monroe County.



5. (WW-007-002) A 42-inch diameter natural gas transmission line crossing of 175-L.F. of EV wetlands (Latitude: 41° 07' 52.37"; Longitude: -75° 37' 18.51") in Tobyhanna Township, Monroe County.
6. (WW-001-036) A 42-inch diameter natural gas transmission line crossing of 1,966-L.F. of EV wetlands (Latitude: 41° 07' 17.48"; Longitude: -75° 36' 48.98") in Tobyhanna Township, Monroe County.
7. (WW-001-035) A 42-inch diameter natural gas transmission line crossing of 205-L.F. of EV wetlands (Latitude: 41° 07' 1.03"; Longitude: -75° 36' 33.02") in Tobyhanna Township, Monroe County.
8. (SS-001-024) A 42-inch diameter natural gas transmission line crossing of Stony Run (HQ-CWF, MF) (Latitude: 41° 07' 1.12"; Longitude: -75° 36' 32.79") in Tobyhanna Township, Monroe County.
9. (WW-001-032) A 42-inch diameter natural gas transmission line crossing of 39-L.F. of EV wetlands (Latitude: 41° 06' 52.94"; Longitude: -75° 36' 15.49") in Tobyhanna Township, Monroe County.
10. (SS-001-022) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Two Mile Run (HQ-CWF, MF) (Latitude: 41° 06' 45.39"; Longitude: -75° 36' 5.59") in Tobyhanna Township, Monroe County.
11. (WW-001-031) A 42-inch diameter natural gas transmission line crossing of 440-L.F. of EV wetlands (Latitude: 41° 06' 38.95"; Longitude: -75° 35' 59.68") in Tobyhanna Township, Monroe County.
12. (SS-001-021) A 42-inch diameter natural gas transmission line crossing of Two Mile Run (HQ-CWF, MF) (Latitude: 41° 06' 38.95"; Longitude: -75° 35' 59.68") in Tobyhanna Township, Monroe County.
13. (WW-001-027) A 42-inch diameter natural gas transmission line crossing of 105-L.F. of EV wetlands (Latitude: 41° 06' 29.84"; Longitude: -75° 35' 48.10") in Tobyhanna Township, Monroe County.
14. (SS-001-018) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Two Mile Run (HQ-CWF, MF) (Latitude: 41° 06' 8.91"; Longitude: -75° 35' 21.53") in Tobyhanna Township, Monroe County.
15. (WW-001-026) A 42-inch diameter natural gas transmission line crossing of 226-L.F. of EV wetlands (Latitude: 41° 06' 2.82"; Longitude: -75° 35' 13.53") in Tobyhanna Township, Monroe County.
16. (WW-001-025) A 42-inch diameter natural gas transmission line crossing of 243-L.F. of EV wetlands (Latitude: 41° 05' 46.61"; Longitude: -75° 34' 51.62") in Tobyhanna Township, Monroe County.
17. (SS-001-014A) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 04' 26.23"; Longitude: -75° 33' 09.14") in Tobyhanna Township, Monroe County.
18. (WW-001-024) A 42-inch diameter natural gas transmission line crossing of 105-L.F. of EV wetlands (Latitude: 41° 05' 31.77"; Longitude: -75° 34' 32.77") in Tobyhanna Township, Monroe County.
19. (SS-001-014B) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 04' 28.83"; Longitude: -75° 33' 11.39") in Tobyhanna Township, Monroe County.
20. (WW-001-022) A 42-inch diameter natural gas transmission line crossing of 222-L.F. of EV wetlands (Latitude: 41° 05' 26.59"; Longitude: -75° 34' 23.10") in Tobyhanna Township, Monroe County.
21. (SS-001-015) A 42-inch diameter natural gas transmission line crossing of Tobyhanna Creek (HQ-CWF, MF) (Latitude: 41° 05' 25.58"; Longitude: -75° 34' 21.37") in Tobyhanna Township, Monroe County.
22. (WW-001-030) A 42-inch diameter natural gas transmission line crossing of 123-L.F. of EV wetlands (Latitude: 41° 05' 26.59"; Longitude: -75° 34' 23.10") in Tobyhanna Township, Monroe County.
23. (WW-001-028) A 42-inch diameter natural gas transmission line crossing of 2,031-L.F. of EV wetlands (Latitude: 41° 04' 50.44"; Longitude: -75° 33' 39.26") in Tobyhanna Township, Monroe County.
24. (SS-001-020) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Tobyhanna Creek (HQ-CWF, MF) (Latitude: 41° 04' 50.45"; Longitude: -75° 33' 39.26") in Tobyhanna Township, Monroe County.
25. (SS-001-014, Crossing #4) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 04' 28.87"; Longitude: -75° 33' 12.42") in Tobyhanna Township, Monroe County.
26. (WW-001-021) A 42-inch diameter natural gas transmission line crossing of 33-L.F. of EV wetlands (Latitude: 41° 04' 28.87"; Longitude: -75° 33' 12.42") in Tobyhanna Township, Monroe County.
27. (SS-001-014, Crossing #3) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 04' 29.63"; Longitude: -75° 33' 12.49") in Tunkhannock Township, Monroe County.
28. (WW-001-020) A 42-inch diameter natural gas transmission line crossing of 410-L.F. of EV wetlands (Latitude: 41° 04' 18.85"; Longitude: -75° 32' 59.88") in Tunkhannock Township, Monroe County.
29. (SS-001-013) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 04' 15.46"; Longitude: -75° 32' 55.66") in Tunkhannock Township, Monroe County.
30. (WW-001-019) A 42-inch diameter natural gas transmission line crossing of 9-L.F. of EV wetlands (Latitude: 41° 04' 14.598"; Longitude: -75° 32' 54.588") in Tunkhannock Township, Monroe County.
31. (WW-001-016) A 42-inch diameter natural gas transmission line crossing of 98-L.F. of EV wetlands (Latitude: 41° 04' 9.26"; Longitude: -75° 32' 47.93") in Tunkhannock Township, Monroe County.
32. (WW-001-014) A 42-inch diameter natural gas transmission line crossing of 274-L.F. of EV wetlands (Latitude: 41° 04' 2.48"; Longitude: -75° 32' 39.46") in Tunkhannock Township, Monroe County.
33. (SS-001-012) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 04' 0.08"; Longitude: -75° 32' 36.54") in Tunkhannock Township, Monroe County.

34. (SS-001-011) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 03' 55.39"; Longitude: -75° 32' 28.96") in Tunkhannock Township, Monroe County.

35. (SS-001-011A) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 03' 54.67"; Longitude: -75° 32' 26.44") in Tunkhannock Township, Monroe County.

36. (WW-001-013) A 42-inch diameter natural gas transmission line crossing of 63-L.F. of EV wetlands (Latitude: 41° 03' 50.86"; Longitude: -75° 32' 23.41") in Tunkhannock Township, Monroe County.

37. (WW-001-012) A 42-inch diameter natural gas transmission line crossing of 42-L.F. of EV wetlands (Latitude: 41° 04' 2.48"; Longitude: -75° 32' 39.46") in Tunkhannock Township, Monroe County.

38. (SS-001-010) A 42-inch diameter natural gas transmission line crossing of Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 03' 45.64"; Longitude: -75° 32' 16.89") in Tunkhannock Township, Monroe County.

39. (SS-001-014, Crossing #2) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 04' 30.39"; Longitude: -75° 33' 14.25") in Tobyhanna Township, Monroe County.

40. (SS-001-014, Crossing #1) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Tunkhannock Creek (HQ-CWF, MF) (Latitude: 41° 04' 31.19"; Longitude: -75° 33' 15.33") in Tobyhanna Township, Monroe County.

41. (WW-007-007) A 42-inch diameter natural gas transmission line workspace crossing of EV wetlands (Latitude: 41° 3' 12.82"; Longitude: -75° 31' 33.60") in Tobyhanna Township, Monroe County.

42. (WW-018-001) A 42-inch diameter natural gas transmission line workspace crossing of EV wetlands (Latitude: 41° 04' 50.44"; Longitude: -75° 33' 39.26") in Tobyhanna Buck Township, Monroe County.

**E40-748. Transcontinental Gas Pipe Line Company, LLC**, 2800 Post Oak Boulevard, Houston, TX 77056. Conyngham, Dorrance, and Buck Townships, Luzerne County, Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the "Dorrance Loop" of the Leidy Southeast Expansion Project for the purpose of constructing a 42-inch diameter natural gas transmission line. Compliance with the terms and conditions of the permit for these water obstructions and encroachments is required as part of the Section 401 Water Quality Certification issued for the Leidy Southeast Expansion Project on April 6, 2015 (45 Pa.B. 2003). The Dorrance Loop is 5.29 miles long. The project begins 0.1 mile north of the intersection of Fairway Drive and Prospect Road (Freeland, PA Quadrangle Latitude: 41° 6' 59.96"; Longitude: -75° 58' 51.38") in Dorrance Township, Luzerne County, and terminates 0.2 mile north of the intersection of Ruckle Hill Road and Cemetery Road (Sybertsville, PA Quadrangle Latitude: 41° 6' 56.44"; Longitude: -76° 4' 53.70") in Conyngham Township, Luzerne County.

1. (WW-003-003) A 42-inch diameter natural gas transmission line crossing of 25-L.F. of EV wetlands (Latitude: 41° 06' 59.31"; Longitude: -75° 58' 52.98") in Dorrance Township, Luzerne County.

2. (WW-001-001) A 42-inch diameter natural gas transmission line crossing of 62-L.F. of EV wetlands (Latitude: 41° 06' 58.37"; Longitude: -75° 59' 32.74") in Dorrance Township, Luzerne County.

3. (WW-001-002) A 42-inch diameter natural gas transmission line crossing of 178-L.F. of EV wetlands (Latitude: 41° 06' 57.16"; Longitude: -75° 59' 37.76") in Dorrance Township, Luzerne County.

4. (SS-001-001) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Little Wapwallopen Creek (CWF, MF) (Latitude: 41° 06' 57.32"; Longitude: -75° 59' 41.21") in Dorrance Township, Luzerne County.

5. (WW-001-003) A 42-inch diameter natural gas transmission line crossing of 11-L.F. of EV wetlands (Latitude: 41° 09' 40.72"; Longitude: -75° 39' 26.92") in Dorrance Township, Luzerne County.

6. (WW-001-004) A 42-inch diameter natural gas transmission line crossing of 123-L.F. of EV wetlands (Latitude: 41° 06' 57.08"; Longitude: -75° 59' 52.86") in Dorrance Township, Luzerne County.

7. (SS-001-002) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Little Wapwallopen Creek (CWF, MF) (Latitude: 41° 06' 57.03"; Longitude: -75° 59' 56.13") in Dorrance Township, Luzerne County.

8. (SS-001-003) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Little Wapwallopen Creek (CWF, MF) (Latitude: 41° 06' 57.02"; Longitude: -75° 59' 57.55") in Dorrance Township, Luzerne County.

9. (WW-001-005) A 42-inch diameter natural gas transmission line crossing of 368-L.F. of EV wetlands (Latitude: 41° 06' 56.94"; Longitude: -76° 00' 7.53") in Dorrance Township, Luzerne County.

10. (SS-001-004) A 42-inch diameter natural gas transmission line crossing of Little Wapwallopen Creek (CWF, MF) (Latitude: 41° 06' 56.93"; Longitude: -76° 00' 10.12") in Dorrance Township, Luzerne County.

11. (SS-001-005) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Little Wapwallopen Creek (CWF, MF) (Latitude: 41° 06' 56.89"; Longitude: -76° 00' 14.26") in Dorrance Township, Luzerne County.

12. (WW-001-006) A 42-inch diameter natural gas transmission line crossing of 138-L.F. of EV wetlands (Latitude: 41° 06' 56.82"; Longitude: -76° 00' 25.18") in Dorrance Township, Luzerne County.

13. (SS-001-006) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Little Wapwallopen Creek (CWF, MF) (Latitude: 41° 06' 56.81"; Longitude: -76° 00' 26.93") in Dorrance Township, Luzerne County.

14. (SS-001-007) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Little Wapwallopen Creek (CWF, MF) (Latitude: 41° 06' 56.94"; Longitude: -76° 00' 50.93") in Dorrance Township, Luzerne County.

15. (WW-001-008) A 42-inch diameter natural gas transmission line crossing of 33-L.F. of EV wetlands (Latitude: 41° 06' 56.58"; Longitude: -76° 00' 56.19") in Dorrance Township, Luzerne County.

16. (SS-001-008) A 42-inch diameter natural gas transmission line crossing of Little Wapwallopen Creek (CWF, MF) (Latitude: 41° 06' 56.57"; Longitude: -76° 02' 26.07") in Dorrance Township, Luzerne County.

17. (WW-001-009) A 42-inch diameter natural gas transmission line crossing of 73-L.F. of EV wetlands (Latitude: 41° 06' 56.62"; Longitude: -76° 02' 26.54") in Dorrance Township, Luzerne County.

18. (WW-001-011) A 42-inch diameter natural gas transmission line crossing of 85-L.F. of EV wetlands (Latitude: 41° 06' 55.30"; Longitude: -76° 03' 18.32") in Dorrance Township, Luzerne County.

19. (SS-001-009) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Little Wapwallopen Creek (CWF, MF) (Latitude: 41° 06' 55.56"; Longitude: -76° 03' 30.93").

20. (WW-003-004) A 42-inch diameter natural gas transmission line crossing of 209-L.F. of EV wetlands (Latitude: 41° 06' 56.42"; Longitude: -76° 04' 8.12") in Conyngham Township, Luzerne County.

21. (SS-003-002) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Little Wapwallopen Creek (CWF, MF) (Latitude: 41° 06' 56.52"; Longitude: -76° 04' 11.72") in Conyngham Township, Luzerne County.

22. (WW-003-006) A 42-inch diameter natural gas transmission line crossing of 10-L.F. of EV wetlands (Latitude: 41° 06' 56.55"; Longitude: -76° 04' 12.89") in Conyngham Township, Luzerne County.

23. (WW-003-005) A 42-inch diameter natural gas transmission line crossing of 158-L.F. of EV wetlands (Latitude: 41° 06' 56.86"; Longitude: -76° 04' 13.76") in Conyngham Township, Luzerne County.

24. (WW-003-007) A 42-inch diameter natural gas transmission line crossing of 63-L.F. of EV wetlands (Latitude: 41° 06' 57.12"; Longitude: -76° 04' 18.17") in Conyngham Township, Luzerne County.

25. (WW-003-008) A 42-inch diameter natural gas transmission line crossing of 130-L.F. of EV wetlands (Latitude: 41° 06' 56.57"; Longitude: -76° 04' 44.61") in Conyngham Township, Luzerne County.

This permit is also giving consent to construct and maintain the following water obstructions and encroachments associated with the Luzerne County portion of the "Franklin Loop" of the Leidy Southeast Expansion Project for the purpose of constructing a 42-inch diameter natural gas transmission line. Compliance with the terms and conditions of the permit for these water obstructions and encroachments is required as part of the Section 401 Water Quality Certification issued for the Leidy Southeast Expansion Project on April 6, 2015 (45 Pa.B. 2003).

The Luzerne County portion of the Franklin Loop is 3.5 miles long. The project begins 0.2 mile east of the intersection of U.S. Route 115 and Ridgeway Drive (Pleasant View Summit, PA Quadrangle Latitude: 41° 10' 20.32"; Longitude: -75° 40' 14.06") in Buck Township, Luzerne County, and terminates at the Lehigh River (Luzerne County/Monroe County Line), approximately 0.5 mile east of the intersection of U.S. Route 115 and T-443 (Pleasant View Summit, PA Quadrangle Latitude: 41° 8' 8.68"; Longitude: 75° 37' 41.82") in Buck Township, Luzerne County.

26. (WW-001-045) A 42-inch diameter natural gas transmission line crossing of 187-L.F. of EV wetlands (Latitude: 41° 10' 19.16"; Longitude: -75° 40' 13.38") in Buck Township, Luzerne County.

27. (WW-001-046) A 42-inch diameter natural gas transmission line workspace crossing of EV wetlands (Latitude: 41° 10' 15.51"; Longitude: -75° 40' 08.90") in Buck Township, Luzerne County.

28. (WW-001-050) A 42-inch diameter natural gas transmission line crossing of 180-L.F. of EV wetlands (Latitude: 41° 10' 15.04"; Longitude: -75° 39' 56") in Buck Township, Luzerne County.

29. (SS-001-033) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Stony Run (HQ-CWF, MF) (Latitude: 41° 09' 52.29"; Longitude: -75° 39' 40.90") in Buck Township, Luzerne County.

30. (WW-001-047) A 42-inch diameter natural gas transmission line crossing of 5-L.F. of EV wetlands (Latitude: 41° 09' 51.35"; Longitude: -75° 39' 39.74") in Buck Township, Luzerne County.

31. (WW-009-001) A 42-inch diameter natural gas transmission line crossing of 129-L.F. of EV wetlands (Latitude: 41° 09' 40.55"; Longitude: -75° 39' 27.57") in Buck Township, Luzerne County.

32. (SS-001-032) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Stony Run (HQ-CWF, MF) (Latitude: 41° 09' 43.14"; Longitude: -75° 39' 30.78") in Buck Township, Luzerne County.

33. (SS-001-031) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Stony Run (HQ-CWF, MF) (Latitude: 41° 09' 40.62"; Longitude: -75° 39' 27.66") in Buck Township, Luzerne County.

34. (SS-001-030, Crossing #2) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Stony Run (HQ-CWF, MF) (Latitude: 41° 09' 39.09"; Longitude: -75° 39' 25.77") in Buck Township, Luzerne County.

35. (SS-001-030, Crossing #1) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Stony Run (HQ-CWF, MF) (Latitude: 41° 09' 29.57"; Longitude: -75° 39' 13.92") in Buck Township, Luzerne County.

36. (SS-001-029, Crossing #2) A 42-inch diameter natural gas transmission line crossing of Kendall Creek (EV, MF) (Latitude: 41° 09' 24.27"; Longitude: -75° 39' 7.30") in Buck Township, Luzerne County.

37. (SS-001-029, Crossing #1) A 42-inch diameter natural gas transmission line crossing of Kendall Creek (EV, MF) (Latitude: 41° 08' 14.61"; Longitude: -75° 38' 55.16") in Buck Township, Luzerne County.

38. (WW-001-043) A 42-inch diameter natural gas transmission line crossing of 384-L.F. of EV wetlands (Latitude: 41° 09' 11.04"; Longitude: -75° 38' 51.20") in Buck Township, Luzerne County.

39. (WW-009-002) A 42-inch diameter natural gas transmission line crossing of 677-L.F. of EV wetlands (Latitude: 41° 09' 11.04"; Longitude: -75° 38' 51.20") in Buck Township, Luzerne County.

40. (WW-007-009) A 42-inch diameter natural gas transmission line crossing of 122-L.F. of EV wetlands (Latitude: 41° 09' 6.08"; Longitude: -75° 38' 44.61") in Buck Township, Luzerne County.



41. (WW-001-041) A 42-inch diameter natural gas transmission line crossing of 135-L.F. of EV wetlands (Latitude: 41° 09' 0.98"; Longitude: -75° 38' 38.26") in Buck Township, Luzerne County.

42. (SS-001-028) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Kendall Creek (EV, MF) (Latitude: 41° 08' 56.98"; Longitude: -75° 38' 33.29") in Buck Township, Luzerne County.

43. (SS-001-028A) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Kendall Creek (EV, MF) (Latitude: 41° 08' 57.17"; Longitude: -75° 38' 33.33") in Buck Township, Luzerne County.

44. (WW-001-040) A 42-inch diameter natural gas transmission line crossing of 258-L.F. of EV wetlands (Latitude: 41° 08' 22.18"; Longitude: -75° 38' 04.49") in Buck Township, Luzerne County.

45. (SS-001-027) A 42-inch diameter natural gas transmission line crossing of an Unnamed Tributary to Lehigh River (EV, MF) (Latitude: 41° 08' 22.18"; Longitude: -75° 38' 4.49") in Buck Township, Luzerne County.

46. (WW-001-039) A 42-inch diameter natural gas transmission line crossing of 174-L.F. of EV wetlands (Latitude: 41° 08' 8.34"; Longitude: -75° 37' 42.45") in Buck Township, Luzerne County.

47. (SS-001-026) A 42-inch diameter natural gas transmission line crossing of the Lehigh River (EV, MF) (Latitude: 41° 08' 7.96"; Longitude: -75° 37' 41.85") in Buck Township, Luzerne County.

In Luzerne County, the two projects will temporarily impact 6.93 acres of wetlands and 2,354 linear feet of streams.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E08-487. Towanda Borough**, 724 Main Street, Towanda, PA, 18848-1616. The site is a portion of Towanda Borough bounded by Fourth Street, College Avenue, Elizabeth Street and the Susquehanna River in Towanda Borough, **Bradford County**, ACOE Baltimore District (Towanda, PA Quadrangle Latitude: 41.762251; Longitude: -76.445987).

To construct and maintain 3,449.11 feet of storm sewer, including stream enclosure and relocation of College Run located in Towanda Borough, Bradford County. The existing storm sewer system for this area of the Borough is currently undersized and failing, causing structural damage to adjacent foundations. This project proposes to: 1) have no temporary environmental impacts to waters or wetlands, 2) have only 0.357 acre of permanent environmental impacts to waters and have 0.631 acre of permanent impacts to wetlands. College Run is classified as "Warm Water Fishes" and "Migratory Fishes" in Chapter 93 of the Department's Water Quality Standards. No trout designations are assigned to this stream by the Pennsylvania Fish and Boat Commission (PAF&BC).

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335.*

**E25-774, ITC Lake Erie Connector, LLC**, 27175 Energy Way, Novi, Michigan, 48377 in Lake Erie.

To conduct geotechnical survey associated with design of a proposed high voltage direct current (HVDC) electric transmission line across Lake Erie, of which approximately 57 kilometers (35.4 miles) are within Pennsylvania waters. Survey will occur within an approximately 500 meters (1,640 feet) wide corridor in Lake Erie

beginning at the US/Canada border near Latitude 42.417642 north, Longitude -80.013391 west and continuing in a southwesterly direction consisting of approximately 57 kilometers (35.4 miles) to a point near Latitude 42.013724 north, Longitude -80.403666 west just off the shoreline. Survey includes approximately 72 vibrocore samples penetrating approximately 15 feet into the bed and 5 rock cores extending up to approximately 80 feet into the lake bed. Sampling will be conducted from a ship or barge. Based on the results, additional cores may be added and cone penetrometer tests may be conducted along the corridor.

**E10-492, Cranberry Township**, 2525 Rochester Road, Cranberry Township PA 16066 in Graham Park, Cranberry Township, **Butler County**, ACOE Pittsburgh District.

To construct and maintain a 10 ft wide by 20 ft span wooden pedestrian bridge crossing of UNT Brush Creek; to permanently impact 0.95 acre (4,125 ft long by 10 ft wide) of FEMA 100 yr Floodplain as part of the construction and maintenance of a total of 5,300 ft of multi-use trail, installed at grade, (Baden, PA Quadrangle N: 40°, 43°, 01"; W: 80°, 08', 18").

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA*

**E4129-098: Regency Marcellus Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, McNett Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one 8-inch gas pipeline, one 8-inch water pipeline, and a temporary bridge impacting 53 linear feet of an unnamed tributary to Rock Run (EV) and 2,526 square feet within the floodway of an adjacent unnamed tributary to Rock Run (EV) (Grover, PA Quadrangle 41°33' 15"N 76°48'23"W);

2) one 8-inch gas pipeline, one 8-inch water pipeline, and a timber mat bridge impacting 50 linear feet of an unnamed tributary to Rock Run (EV) and 140 square feet within the floodway of an adjacent unnamed tributary to Rock Run (EV) (Grover, PA Quadrangle 41°33' 10"N 76°48' 37"W);

3) one 8-inch gas pipeline, one 8-inch water pipeline, and a timber mat bridge impacting 60 linear feet of unnamed tributaries to Rock Run (EV) (Grover, PA Quadrangle 41°33'10"N 76°48'41"W);

4) one 8-inch gas pipeline and one 8-inch water pipeline impacting 3,856 square feet within the floodways of unnamed tributaries to Rock Run (EV) (Grover, PA Quadrangle 41°33'06"N 76°49'11"W);

5) one 8-inch gas pipeline, one 8-inch water pipeline, and a timber mat bridge impacting 50 linear feet of an unnamed tributary to Rock Run (EV) (Grover, PA Quadrangle 41°33'06"N 76°49'17"W).

The project will result in a total of 213 linear feet of stream impacts and 0.15 acre of additional floodway impacts all for the purpose of installing water line, natural gas gathering line, and access roadway to natural gas well sites for Marcellus well development.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*



**D35-005EA. Matthew R. Beaver**, Chief, Division of Operations and Recreation, Bureau of Forestry, Department of Conservation and Natural Resources, Rachel Carson State Office Building, 6th Floor, P. O. Box 8552, Harrisburg, PA 17105-8552, Jessup Borough, **Lackawanna County**, USACOE Baltimore District.

Project proposes to remove Olyphant Dam #1 for the purpose of eliminating a threat to public safety and to restoring the stream to a free-flowing condition. The project is located across Grassy Island Creek (HQ-CWF) (Olyphant, PA Quadrangle; Latitude: 41.4639; Longitude: -75.5381).

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESX29-117-15-0021  
Applicant Name SWN Production Company, LLC  
Contact Person Jeff Whitehair  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Tioga  
Township(s) Liberty Twp  
Receiving Stream(s) and Classification(s) Blockhouse Creek (CWF, NRT)  
Secondary—Little Pine Creek(CWF, EV, NRT)

ESCGP-2 # ESX11-117-0005(01)  
Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 2100 Georgetown Drive, Suite 400  
City, State, Zip Sewickley, PA 15143  
County Tioga  
Township(s) Middlebury Twp  
Receiving Stream(s) and Classification(s) UNT to Crooked Creek (WWF)  
Secondary—Crooked Creek

ESCGP-2 # ESX29-115-14-0077(01)  
Applicant Name Regency Marcellus Gas Gathering, LLC

Contact Person Kevin M Roberts  
Address 101 West Third Street  
City, State, Zip Williamsport, PA 17701  
County Susquehanna  
Township(s) Springville Twp  
Receiving Stream(s) and Classification(s) White Creek (CWF) UNT, Meshoppen Creek (CWF)  
Secondary—Meshoppen Creek (CWF)

ESCGP-2 # ESX29-115-15-0025  
Applicant Name Cabot Oil & Gas Corporation  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276-0120  
County Susquehanna  
Township(s) Dimock Twp  
Receiving Stream(s) and Classification(s) UNT to Elk Lake Steam #63052 (CWF), UNT to White Creek #8606 (CWF)

ESCGP-2 # ESX29-115-14-0089(01)  
Applicant Name Williams Field Services Company, LLC  
Contact Person Lauren Miladinovich  
Address Park Place Corporate Center 2, 2000 Commerce Drive  
City, State, Zip Pittsburgh, PA 15275  
County Susquehanna  
Township(s) Middletown and Forest Lake Townships  
Receiving Stream(s) and Classification(s) UNTs to Middle Branch Wyalusing Creek (CWF), Watersheds: Upper Susquehanna—Tunkhannock  
Secondary—Tunkhannock Creek

ESCGP-2 # ESX10-081-0038(01)  
Applicant Name Anadarko E & P Onshore LLC  
Contact Person Rane A Wilson  
Address 33 West Third St., Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Gamble Twp  
Receiving Stream(s) and Classification(s) UNT East Branch Murray Run, East Branch Murray Run (HQ-CWF) & (EV)  
Secondary—East Branch Murray Run, Murray Run (HQ-CWF) & (EV)

ESCGP-2 # ESX29-115-15-0027  
Applicant Name Cabot Oil & Gas Corporation  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna  
Township(s) Middletown Twp  
Receiving Stream(s) and Classification(s) 2 UNT to Middle Branch Wyalusing Creek, 1 UNT to North Branch Wyalusing Creek, Middle Branch Wyalusing Creek Watershed, North Branch Wyalusing Creek Watershed (CWF)  
Secondary—Middle Branch Wyalusing Creek, North Branch Wyalusing Creek

ESCGP-2 # ESX29-131-14-0020(01)  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Wyoming  
Township(s) Forkston Twp  
Receiving Stream(s) and Classification(s) Farr Hollow (CWF)  
Secondary—North Branch Mehoopany Creek (CWF)

## SPECIAL NOTICES

### Intent to Issue a Synthetic Minor Operating Permit

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief of Source Registration at (215) 685-9426.*

The City of Philadelphia, Air Management Services (AMS) has intended to issue a Synthetic Minor Operating Permit for the following facility:

**S14-022: Albert Einstein Medical Center** (5501 Old York Road, Philadelphia, PA 19141), for the operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 300 HPs (10 MMBTUs/hr) boilers that firing natural gas or No. 6 fuel oil, one (1) 900 HPs boiler (30.1 MMBTUs/hr) boiler equipped with low NO<sub>x</sub> burner firing natural gas or No. 6 fuel oil, one (1) 1,225 kW peak shaking generator (G02) firing natural gas which is allowed to operate as an emergency generator, one (1) 1,225 kW natural gas fired emergency generator (G01), and nine (9) emergency generators rated 800 kW or less firing diesel or No. 2 fuel oil.

The operating permit will be issued under the Pennsylvania Code Title 25, Philadelphia Code Title 3, and Air Management regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty (30) days before the hearing.

### Chapter 105 Water Obstruction and Encroachment Permit Application and 401 Water Quality Certification Request

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert)*

**CDO-007. Consol Pennsylvania Coal Company LLC**, 1525 Pleasant Grove Road, PO Box J, Claysville, PA 15323. Templeton Fork Stream and Wetland Mitigation Area, East Finley and West Finley Townships, **Washington County**, Pittsburgh ACOE District (Claysville, PA Quadrangle, Templeton Fork project area centroid latitude 40° 00' 16" N, Longitude 80° 25' 47" W). The applicant proposes to offset the stream and wetlands affected by the Enlow Fork Mine Oak Spring Slope and Supply Yard located in East Finley and West Finley Townships, Washington County, by developing a restoration site along a portion of Templeton Fork Stream located near Templeton Fork Road (T-414) intersection with T-408.

This is a Chapter 105 Water Obstruction and Encroachment permit application and 401 Water Quality Certification request.

In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provision of sections 301—303, 306, and 307 of the

Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards.

Application Received: January 14, 2015

Permit Issued: July 13, 2015

### Categorical Exclusion

*Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.*

Location: City of Johnstown, 401 Main Street, Johnstown, PA 15901

Description of Proposed Action/Activity: Proposed construction of the Oakhurst Area Sanitary Sewer Rehabilitation Project.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a funding source. The Department's review of the project and the information received has not identified any significant adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Location: City of Johnstown, 401 Main Street, Johnstown, PA 15901

Description of Proposed Action/Activity: Proposed construction of the Moxham-Phase I Area Sanitary Sewer Rehabilitation Project.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a funding source. The Department's review of the project and the information received has not identified any significant adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

[Pa.B. Doc. No. 15-1416. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Aggregate Advisory Board Meeting

The Aggregate Advisory Board is scheduled to meet on Wednesday, August 12, 2015, from 10 a.m. until 12 p.m. in the 2nd Floor Training Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the meeting can be directed to Daniel E. Snowden, DEd, Bureau of Mining Programs, (717) 783-8846, dsnowden@pa.gov. The agenda for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (select "Public Participation Center," then "Advisory Committees," then "Aggregate Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-8846 through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
Secretary

[Pa.B. Doc. No. 15-1417. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Bid Opportunity

**OSM 14(4572)101.1, Abandoned Mine Reclamation Project, Wolf Run/Barlow Hollow, Rush Township, Centre County.** The principal items of work and approximate quantities include mobilization and demobilization, clearing and grubbing, rock construction entrance, super silt fence 7,670 linear feet, removal and disposal of solid waste 20 tons, brush barrier 8,020 linear feet, subsurface drain 925 linear feet, grading 797,760 cubic yards, rock lining with geotextile 60 square yards, access road construction 2,070 square yards, tree planting preparation 66 acres, tree planting 44,865 trees, seeding 66 acres and gate. This bid issues on July 31, 2015, and bids will be opened on August 25, 2015, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1418. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Bid Opportunity

**OSM 59(1917,6658)101.1, Abandoned Mine Reclamation Project, Barney's Hill Northwest, Hamilton Township and Blossburg Borough, Tioga County.** The principal items of work and approximate quantities include mobilization and demobilization, clearing and grubbing, dewatering impoundments, grading 592,000 cubic yards, ditch excavation 695 cubic yards, erosion control mulch blanket 1,560 square yards, rock lining with filter material 280 square yards, roadway surface material 1,375 tons, subsurface drain 158 linear feet, erosion control and revegetation mat 2,110 square yards and seeding 68.4 acres. This bid issues on July 31, 2015, and bids will be opened on August 25, 2015, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1419. Filed for public inspection July 31, 2015, 9:00 a.m.]

Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (select "Public Participation Center," then "Advisory Committees," then "Climate Change Advisory Committee"). The purpose of the meeting is to discuss and endorse the Manufacturing Energy Technical Assistance Work Plan that will be included in the Climate Change Action Plan.

Questions concerning this meeting should be directed to Mark Brojakowski, Bureau of Air Quality, Climate Change Section, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-3429, [mbrojakows@pa.gov](mailto:mbrojakows@pa.gov).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Alex Haas at (717) 787-9495 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1420. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Conventional Oil and Gas Advisory Committee Additional 2015 Meeting Dates

The Conventional Oil and Gas Advisory Committee (Committee) is scheduled to meet on Thursday, August 27, 2015, and Thursday, October 29, 2015. Both meetings will begin at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. Both meetings will also be available by means of a webinar, with registration information located on the following web site prior to the meeting.

Questions concerning the scheduled meetings should be directed to Kurt Klapkowski, (717) 772-2199, [kklapkowski@pa.gov](mailto:kklapkowski@pa.gov). The agenda and meeting materials for these meetings will be available through the Committee webpage on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (select "Public Participation Center," then "Advisory Committees," then "Conventional Oil and Gas Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-2199 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1421. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Climate Change Advisory Committee Meeting Change

The Climate Change Advisory Committee has changed the previously scheduled meeting on August 18, 2015, to be held by means of a webinar. The WebEx registration information, the agenda and meeting materials are available through the Public Participation Center on the

### Nutrient Credit Trading Program Certification Requests

The Department of Environmental Protection (Department) provides notice of the following certification requests that have been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable



credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

#### *Credit Certification Requests*

The following applications for credit certification are being reviewed by the Department. The Department will accept written comments on these proposed pollutant reduction activities for 30 days. These requests will utilize a 3 to 1 trading ratio for credits verified after September 30, 2015.

<i>Applicant</i>	<i>Pollutant Reduction Activity Description</i>
Lycoming Conservation District (Lycoming County) on behalf of Jim McCoy Farms	This certification is for cover crops and no-till Best Management Practices (BMP).
Lycoming Conservation District (Lycoming County) on behalf of Harry Rogers	This certification is for cover crops and no-till BMPs.
Lycoming Conservation District (Columbia County) on behalf of GNH Farms	This certification is for cover crops and no-till BMPs.
Lycoming Conservation District (Sullivan County) on behalf of Lambert Farms	This certification is for cover crops and no-till BMPs.
Lycoming Conservation District (Lycoming and Tioga County) on behalf of Bishcroft Farms	This certification is for cover crops and no-till BMPs.
Lycoming Conservation District (Clinton County) on behalf of Schrack Farms	This certification is for cover crops and no-till BMPs.

#### *Written Comments*

Interested persons must submit written comments on these applications for credit certification no later than Monday, August 31, 2015. Commentators are urged to submit electronic comments using the Department's eComment site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments with the subject line "Lycoming County Certification Request" should be submitted to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, [ecomment@pa.gov](mailto:ecomment@pa.gov).

For further information about this certification request or the Nutrient Credit Trading Program contact Jay Braund, Bureau of Point and Non-Point Source Management, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5636, [jbraund@pa.gov](mailto:jbraund@pa.gov), or visit the Department's web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Nutrient Trading").

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1422. Filed for public inspection July 31, 2015, 9:00 a.m.]

#### **Oil and Gas Technical Advisory Board Meeting Date Change**

The Oil and Gas Technical Advisory Board's (Board) previously scheduled meeting for Tuesday, August 25, 2015, is being rescheduled to Wednesday, September 2,

2015. The meeting will begin at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. This meeting will also be available by means of a webinar, with registration information located on the following web site prior to the meeting.

Questions concerning the scheduled meeting should be directed to Kurt Klapkowski, (717) 772-2199, [kklapkowski@pa.gov](mailto:kklapkowski@pa.gov). The agenda and meeting materials for the meeting will be available through the Board's webpage on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (select "Public Participation Center," then "Advisory Committees," then "Oil and Gas Technical Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-2199 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1423. Filed for public inspection July 31, 2015, 9:00 a.m.]

#### **Pipeline Infrastructure Task Force Additional 2015 Meeting Dates**

The Pipeline Infrastructure Task Force (Task Force) meetings will be held from 1 p.m. to 4 p.m. in Susquehanna Conference Rooms A and B of the Department of Environmental Protection's (Department) Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. The Task Force will develop policies, guidelines and tools to assist in pipeline development (including planning, permitting and construction) as well as long-term operation and maintenance. The meeting dates follow:

August 26, 2015	1 p.m. to 4 p.m.
September 23, 2015	1 p.m. to 4 p.m.
October 28, 2015	1 p.m. to 4 p.m.
November 18, 2015	1 p.m. to 4 p.m.
January 13, 2016	1 p.m. to 4 p.m.

The purpose and goals of the Task Force are to define a series of best practices to:

- Plan, site and route pipelines in ways that avoid or reduce environmental and community impacts of pipeline development
- Amplify and engage in meaningful public participation regarding pipeline development
- Maximize opportunities for predicable and efficient permitting
- Employ construction methods that reduce environmental and community impacts
- Ensure pipeline safety and integrity during operation of the pipeline

The Task Force will provide a final report to Governor Wolf detailing the findings of the Task Force in February 2016.

Questions concerning the meeting can be directed to the Task Force at [RA-EPPITF@pa.gov](mailto:RA-EPPITF@pa.gov). The agenda for the meeting will be available through the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword: "Pipeline Infrastructure Task Force").



Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Task Force at (717) 772-1856 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1424. Filed for public inspection July 31, 2015, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Lease Office Space to the Commonwealth Delaware County

Proposers are invited to provide the Department of General Services with 21,105 usable square feet of office space for the State Police in Delaware County. For more information on SFP No. 94742, which is due on Friday, September 11, 2015, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact David Weyandt, (717) 525-5255, [daweyandt@pa.gov](mailto:daweyandt@pa.gov).

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 15-1425. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Lease Office Space to the Commonwealth Montgomery County

Proposals are invited to provide the Department of General Services with 5,000 to 6,000 net usable square feet of office space for the Liquor Control Board in King of Prussia, Montgomery County. For more information on SFP No. 94747, which is due on Monday, September 14, 2015, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate, (717) 787-4394.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 15-1426. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Allegheny County

Proposals are invited to provide the Department of General Services with 3,500 to 5,500 net usable square feet of retail space for the Liquor Control Board in Tarentum, Allegheny County. For more information on SFP No. 94748, which is due on Friday, September 18, 2015, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate, (717) 787-4394.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 15-1427. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Bucks County

Proposals are invited to provide the Department of General Services with 9,000 to 13,000 net usable square feet of retail space for the Liquor Control Board in Newtown, Bucks County. For more information on SFP No. 94746, which is due on Monday, September 14, 2015, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate, (717) 787-4394.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 15-1428. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Montgomery County

Proposals are invited to provide the Department of General Services with 5,000 to 6,500 net usable square feet of retail space for the Liquor Control Board in Dresher, Montgomery County. For more information on SFP No. 94745, which is due on Monday, September 14, 2015, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate, (717) 787-4394.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 15-1429. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Lease Wholesale/Warehouse Space to the Commonwealth Washington County

Proposals are invited to provide the Department of General Services with 7,000 to 8,500 net usable square feet of wholesale/warehouse space for the Liquor Control Board in Chartiers Township, Washington County. For more information on SFP No. 94744, which is due on Friday, September 11, 2015, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate, (717) 787-4394.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 15-1430. Filed for public inspection July 31, 2015, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Act 2010-110 Photo Identification Badges; Clarification to 2015 Notice

In the notice published at 45 Pa.B. 2427 (May 16, 2015), the Department of Health (Department) provided notice regarding provisions of section 809.2 of the Health Care Facilities Act (act) (35 P.S. § 448.809b), enacted by the act of November 23, 2010 (P.L. 1099, No. 110) (Act 110), that would become effective on June 1, 2015. This notice clarifies the notice published at 45 Pa.B. 2427.

In the previous notice, the Department listed four titles that must be used for applicable employees under Act 110:

1. A Medical Doctor shall have the title "Physician"
2. A Doctor of Osteopathy shall have the title "Physician"
3. A Registered Nurse shall have the title "Registered Nurse"
4. A Licensed Practical Nurse shall have the title "Licensed Practical Nurse"

The notice also stated that abbreviated titles may be used when the title indicates licensure or certification by a Commonwealth agency.

The Department wishes to clarify that abbreviated titles may not be used for the four titles previously listed, as those titles are set in section 809.2(a)(3) of the act. The Department will address the use of abbreviations for other titles in a future rulemaking.

All other portions of the notice published on May 16, 2015, are not affected by this clarification.

Persons with a disability who require an alternative format of this document (for example, large print, audio-tape or Braille) should contact Susan Coble, Director, Bureau of Community Program and Licensure, Room 132, Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-3188 or for speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 15-1431. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Brookline Manor and Rehabilitative Services  
2 Manor Boulevard  
Mifflintown, PA 17059  
FAC ID # 022902

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 205.6(a) (relating to function of building):

Tel Hai Retirement Community  
1200 Tel Hai Circle, P. O. Box 190  
Honey Brook, PA 19344  
FAC ID # 200102

Willowbrooke Court at Granite Farms Estates  
1343 West Baltimore Pike  
Wawa, PA 19063-5531  
FAC ID # 073602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(b) (relating to bathing facilities):

Manatawny Manor  
Old Schuylkill Road, Route 724  
Pottstown, PA 19464  
FAC ID # 130802

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(a) (relating to resident bedrooms):

The Glen at Willow Valley  
675 Willow Valley Square  
Lancaster, PA 17602  
FAC ID # 077902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.26(e) (relating to laundry):

South Fayette Nursing Center  
252 Main Street  
P. O. Box 298  
Markleysburg, PA 15459  
FAC ID # 453602

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 15-1432. Filed for public inspection July 31, 2015, 9:00 a.m.]

## DEPARTMENT OF HUMAN SERVICES

### Additional Class of Disproportionate Share Payment

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2014-2015 disproportionate share hospital (DSH) payments to qualifying hospitals that provide a high volume of services to the Medical Assistance (MA) population. This additional class of DSH payments is intended to promote continued access to inpatient and ancillary outpatient services in this Commonwealth and to support academic medical programs that provide integrated patient-centered medical services. The Department did not implement any other change to the qualifying criteria or payment methodology for this payment.

The Department published notice of its intent to allocate funding for these DSH payments at 45 Pa.B. 731 (February 7, 2015). The Department received no public

comments during the 30-day comment period and will implement the change as described in its notice of intent.

*Fiscal Impact*

The FY 2014-2015 impact as a result of the funding allocation for these payments is \$5.189 million (\$2.500 million in State general funds and \$2.689 million in Federal funds).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-970. (1) General Fund; (2) Implementing Year 2014-15 is \$2,500,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$16,831,000; 2012-13 Program—\$12,618,000; 2011-12 Program—\$12,618,000; (7) MA—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

This notice has a cost and it is budgeted.

[Pa.B. Doc. No. 15-1433. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Additional Class of Disproportionate Share Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2014-2015 disproportionate share hospital (DSH) payments to certain Medical Assistance (MA) acute care general hospitals that, in partnership with an independent facility listed as a Cleft and Craniofacial Team by the American Cleft Palate-Craniofacial Association, provide surgical services to patients with cleft palate and craniofacial abnormalities. The Department did not implement any other change to the qualifying criteria or payment methodology for this DSH payment. This additional class of DSH payment is intended to promote access to inpatient hospital services for MA eligible and uninsured persons in this Commonwealth with cleft palate and craniofacial abnormalities.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

The Department published notice of its intent to allocate funding for these DSH payments at 45 Pa.B. 732 (February 7, 2015). The Department received no public comments during the 30-day comment period and will implement the change as described in its notice of intent.

*Fiscal Impact*

The FY 2014-2015 impact as a result of the funding allocation for these payments is \$0.311 million (\$0.150 million in State general funds and \$0.161 million in Federal funds).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-972. (1) General Fund; (2) Implementing Year 2014-15 is \$150,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$163,862,000; 2012-13 Program—\$268,112,000; 2011-12 Program—\$325,685,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

This notice has a cost and it is contained within the budget.

[Pa.B. Doc. No. 15-1434. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Additional Class of Disproportionate Share Payments

The Department of Human Services (Department) is providing final notice of its increased funding for disproportionate share hospital (DSH) payments to certain qualifying acute care general Medical Assistance (MA) hospitals to support their continued participation in the MA Program. This additional class of DSH payments is intended to promote the availability of professional medical services to low income populations in less urbanized areas of this Commonwealth by supporting medical education and academic medical programs aimed to foster the supply of health care professionals. The Department did not change the qualifying criteria or payment methodology for this payment.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

The Department published notice of its intent to allocate funding for these DSH payments at 45 Pa.B. 921 (February 21, 2015). The Department received no public comments during the 30-day comment period and will implement the change as described in its notice of intent.

*Fiscal Impact*

The Fiscal Year 2014-2015 impact, as a result of the increased funding allocation for this payment is \$1.660 million (\$0.800 million in State general funds and \$0.860 million in Federal funds).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-971. (1) General Fund; (2) Implementing Year 2014-15 is \$800,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$16,831,000; 2012-13 Program—\$12,618,000; 2011-12 Program—\$12,618,000; (7) MA—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

This notice has a cost and it is contained within the budget.

[Pa.B. Doc. No. 15-1435. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Disproportionate Share Hospital Payments

The Department of Human Services (Department) is providing final notice of its funding allocations for several classes of disproportionate share hospital (DSH) payments made to qualifying Medical Assistance (MA) enrolled acute care general hospitals.

#### Background

The Department is allocating funding for certain classes of DSH payments to qualifying acute care general hospitals for Fiscal Year (FY) 2014-2015. Specifically, these classes of DSH payments and the final funding amounts are as follows:

<i>Class of DSH payment recipient</i>	<i>Total amount allocated, in millions of dollars</i>	<i>State general funds allotted, in millions of dollars</i>	<i>Federal funds allocated, in millions of dollars</i>
Critical access and rural hospitals	\$14.687	\$7.076	\$7.611
Hospitals for obstetrical and neonatal health care services	\$13.867	\$6.681	\$7.186
Trauma hospitals	\$17.966	\$8.656	\$9.310
Hospital burn centers	\$7.850	\$3.782	\$4.068
Hospitals providing a high volume of services to MA and low-income populations	\$1.645	\$0.792	\$0.853
Academic medical centers	\$23.518	\$11.331	\$12.187
Hospitals which participate in an academic medical program	\$4.151	\$2.000	\$2.151
Hospitals that provide enhanced access to multiple types of medical care in economically distressed areas	\$43.776	\$21.091	\$22.685

As proposed in its intent notice, the Department's funding allocations for all listed DSH payments other than that for critical access and rural hospitals remain at the same levels as the allocations for FY 2013-2014. In its notice of intent, the Department announced its intent to increase the funding allocation for its DSH payments to critical access and rural hospitals from the FY 2013-2014 allocation to \$14.418 million. Since publication of the notice, the Department has identified additional available funding and will now allocate \$14.687 million for this DSH payment. For all DSH payments encompassed within this notice, the Department is not changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for hospitals that provide enhanced access to multiple types of medical care in economically distressed areas at 45 Pa.B. 922 (February 21, 2015). The Department published notice of its intent to allocate funding for all other listed DSH payments at 44 Pa.B. 6637 (October 11, 2014). The Department received no public comments during the 30-day comment periods. Except as described for the critical access and rural hospital DSH payments, the Department will implement the changes as described in its notices of intent.

#### Fiscal Impact

The FY 2014-2015 fiscal impact as a result of these payments is \$127.460 million (\$61.409 million in State general funds and \$66.051 million in Federal funds).

THEODORE DALLAS,  
Secretary

**Fiscal Note:** 14-NOT-968. (1) General Fund;

(7) MA—Critical Access Hospitals; (2) Implementing Year 2014-15 is \$7,076,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4)

2013-14 Program—\$6,776,000; 2012-13 Program—\$4,076,000; 2011-12 Program—\$3,218,000;

(7) MA—Obstetric and Neonatal Services; (2) Implementing Year 2014-15 is \$6,681,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$6,681,000; 2012-13 Program—\$3,681,000; 2011-12 Program—\$3,313,000;

(7) Trauma Centers; (2) Implementing Year 2014-15 is \$8,656,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$8,656,000; 2012-13 Program—\$8,656,000; 2011-12 Program—\$7,790,000;

(7) Hospital-Based Burn Centers; (2) Implementing Year 2014-15 is \$3,782,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$3,782,000; 2012-13 Program—\$3,782,000; 2011-12 Program—\$3,404,000;

(7) MA—Academic Medical Centers; (2) Implementing Year 2014-15 is \$13,331,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$16,831,000; 2012-13 Program—\$12,618,000; 2011-12 Program—\$12,618,000;

(7) MA—Inpatient; (2) Implementing Year 2014-15 is \$21,883,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$163,862,000; 2012-13 Program—\$268,112,000; 2011-12 Program—\$325,685,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

This notice has a cost and it is budgeted.

[Pa.B. Doc. No. 15-1436. Filed for public inspection July 31, 2015, 9:00 a.m.]



### **Payment for Nursing Facility Services Provided by County Nursing Facilities; Medical Assistance Day One Incentive Payments to County Nursing Facilities for Fiscal Year 2015-2016**

This announcement provides advance notice that the Department of Human Services (Department) intends to continue to make Medical Assistance Day One Incentive (MDOI) payments to qualified county nursing facilities through Fiscal Year (FY) 2015-2016.

#### *Background*

The Department instituted the MDOI payments in FY 2006-2007 to encourage county nursing facilities to continue to provide services to individuals who are Medical Assistance (MA) eligible on the day of admission.

For FY 2006-2007 through FY 2014-2015, the Department provided MDOI payments to qualified county nursing facilities. The qualifying criteria and formula used to determine these payments, as set forth in the Commonwealth's approved State Plan, are as follows.

To qualify for MDOI payments, the nursing facility must be a county nursing facility both during the entire quarter for which the MDOI installment payment is being made and at the time the MDOI installment payment is made.

The Department will calculate each qualified county nursing facility's MDOI quarterly installment payment based on the following formula:

(i) The total funds allocated for the MDOI payments for the rate year will be divided by the total MA days for all county nursing facilities to determine the MDOI per diem for the rate year. The total MA days used for each county nursing facility will be the MA days identified on the most recent Provider Reimbursement and Operations Management Information System (PROMISE™) data file used to determine the facility's eligibility for disproportionate share incentive payments.

(ii) The MDOI per diem for the rate year will be multiplied by each qualified county nursing facility's paid MA days identified on the most recent PROMISE data file used to determine eligibility for disproportionate share incentive payments, to determine its annual MDOI amount.

(iii) Each qualified county nursing facility's annual MDOI amount will be divided by four to determine the facility's MDOI quarterly installment payments for the rate year.

The MDOI installment payments for each quarter of the rate year will be paid in the first month of the following quarter.

For FY 2015-2016, the Department intends to use a portion of the revenues generated from the FY 2015-2016 Nursing Facility Assessment Program (see section 815-A of the Public Welfare Code (62 P. S. § 815-A)) as the State share of the MDOI payments to qualified county nursing facilities. To authorize the continuance of the MDOI payments for FY 2015-2016, and the funding level for the MDOI payments for FY 2015-2016, the Department will submit a State Plan Amendment (SPA) to the Federal Centers for Medicare and Medicaid Services (CMS).

If CMS approves the SPA, the Department will have the authority to continue to make MDOI payments to county nursing facilities for FY 2015-2016.

The MDOI payments to county nursing facilities will provide incentives to county nursing facilities to provide services to individuals who are MA eligible on the day of admission. The MDOI payments are intended to assure that county nursing facilities continue to provide access to care for these individuals. These payments provide an incentive to county nursing facilities to continue to provide for the poor and indigent citizens of this Commonwealth.

#### *Fiscal Impact*

The estimated aggregate expenditures during FY 2015-2016 is \$11.355 million in State funds.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P. O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-969. (1) General Fund; (2) Implementing Year 2015-16 is \$11,355,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$810,545,000; 2013-14 Program—\$820,409,000; 2012-13 Program—\$770,903,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

This notice has a cost and it is contained within the budget.

[Pa.B. Doc. No. 15-1437. Filed for public inspection July 31, 2015, 9:00 a.m.]

## **FISH AND BOAT COMMISSION**

### **Additions to List of Class A Wild Trout Waters**

The Fish and Boat Commission (Commission) has approved the addition of 28 stream sections to its list of Class A Wild Trout Streams as set forth at 45 Pa.B. 2205 (May 2, 2015). Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource and to conserve that resource and the angling that it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 15-1438. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Classification of Wild Trout Streams; Additions and Revisions to List

The Fish and Boat Commission (Commission) has approved the addition of 54 new waters to its list of wild trout streams and the revision of the section limits of two streams already on the list as published at 45 Pa.B. 2203 (May 2, 2015). Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation

that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams and it is available on the Commission's web site at [http://www.fish.state.pa.us/trout\\_repro.htm](http://www.fish.state.pa.us/trout_repro.htm).

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 15-1439. Filed for public inspection July 31, 2015, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
54-69	Pennsylvania Liquor Control Board Discount Pricing Practices 45 Pa.B. 2478 (May 23, 2015)	6/22/15	7/22/15

#### **Pennsylvania Liquor Control Board Regulation #54-69 (IRRC #3094)**

#### **Discount Pricing Practices**

**July 22, 2015**

We submit for your consideration the following comments on the proposed rulemaking published in the May 23, 2015 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Liquor Control Board (Board) to respond to all comments received from us or any other source.

#### **Section 13.102. Discount pricing practices.—Consistency with statute; Need; Clarity.**

##### *Consecutive or nonconsecutive hours*

The *Summary* in the Preamble states “the proposed amendments are necessary so that the regulations pertaining to happy hour limitations are consistent with the Liquor Code (47 P.S. §§ 1-101—10-1001)” and, in particular, Act 11 of 2011 (Act 11) and Act 113 of 2011 (Act 113). As amended, the Liquor Code, at 47 P.S. §§ 4-406(g) and 4-442(g), states that the holder of a certain license “may hold happy hours up to four *consecutive or nonconsecutive* hours per day and up to fourteen hours per week . . .” (Emphasis added.) Subsection (a) does not include the phrase “consecutive or nonconsecutive.” We recommend adding this phrase to make the regulation consistent with the statute.

##### *Events not counted against the four-hours or fourteen-hours per week*

As amended by Act 113, 47 P.S. §§ 4-406(g) and 4-442(g) state:

... Events conducted under the authority of 40 Pa. Code § 13.102(b) shall not be counted against the four-hours or fourteen-hours per week.

For consistency with the statute, we recommend adding this language to Subsection (b).

##### *Retail Licensee*

Subsection (a) sets forth happy hour requirements for “retail licensees.” Happy hours are addressed for two categories of license in the statute. Act 113 amended Subsection 406(g) of the Liquor Code which is under the title “Sales by Liquor Licensees; Restrictions” and uses the phrase “the holder of a retail license.” 47 P.S. § 4-406(g). Act 113 also amended Subsection 442(g) of the Liquor Code which is under the title of “Retail Dispensers’ Restrictions on Purchases and Sales” and applies to a different category of “the holder of a retail dispenser license.” 47 P.S. § 4-442(g). The term used in the regulation, “retail licensee,” is not defined in existing 40 Pa. Code Section 13.1. Definitions. Therefore, the regulation is not clear regarding which specific licensees the Board considers to be “retail licensees.” We recommend adding a definition of this term to Section 13.1 to clarify which specific licensees the regulation addresses and to specify that the regulation addresses both of the licensees the statute addresses: “the holder of a retail license” and “the holder of a retail dispenser license.”

##### *Board Advisory Notice 16*

Subparagraphs (b)(2)(i), (ii) and (iii) would replace a reference to Board Advisory Notice 16 with the specific language of a portion of that notice that provides examples. A regulation carries the full force and effect of law, whereas an advisory notice is a lesser standard that does not. We have two concerns.

First, it is not clear why these examples are needed in the regulation and how they would be enforced. We recommend the Board delete the examples, or support them by explaining the need for the examples, what protections they provide and what provisions of the statute would be used to enforce them.

Second, if the examples are retained, the examples need to be clarified. Existing Paragraph (b)(2) begins by allowing “one specific type of alcoholic beverage or drink per day.” The examples then allow a broad discount for “all brandy drinks.” Why must a licensee be prohibited from discounting “all Blue Hound products,” “all Kendall’s wines,” and “all Jackson’s products”? Why is it permissible to discount wine by the types “Chardonnay” and “Merlot,” regardless of the manufacturer, but beer can only be discounted by a specific brand? Why couldn’t all light beer or all stout beer be discounted? If these examples are retained, we recommend making them clearer and consistent.

JOHN F. MIZNER, Esq.,  
Chairperson

[Pa.B. Doc. No. 15-1440. Filed for public inspection July 31, 2015, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of Atlantis Petro, LLC under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2014-0010(F); Doc. No. UT15-07-013

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference initiated by this office is scheduled for August 11, 2015, at 10 a.m.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 10, 2015, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 15-1441. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Application for Merger of Express Scripts Insurance Company with and into Medco Containment Life Insurance Company

An application has been received requesting approval of the merger of Express Scripts Insurance Company, a

stock life insurance company organized under the laws of the State of Arizona, with and into Medco Containment Life Insurance Company, a stock life insurance company organized under the laws of the Commonwealth of Pennsylvania. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 15-1442. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Application for Renewal of Designation as a Certified Reinsurer

Equator Reinsurance Limited has applied for renewal of its designation as certified reinsurer in this Commonwealth. The application was received on July 17, 2015, and was made under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Neel Vaidya, Financial Analysis Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, nvaidya@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 15-1443. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company’s termination of the insureds’ homeowners policy. The hearing will be held in accordance with the



requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Richard and Juanita Harris; file no. 15-119-186065; Erie Insurance Exchange; Doc. No. P15-07-020; August 27, 2015, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1444. Filed for public inspection July 31, 2015, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### 2016 Schedule of Filing Dates for Recovery of Purchased Gas Costs; Doc. No. L-840102

The regulation promulgated by the Pennsylvania Public Utility Commission (Commission) in 52 Pa. Code § 53.64(a) (relating to filing requirements for natural gas distributors with gross intrastate annual operating revenues in excess of \$40 million) directs the Commission to annually publish a schedule of filing dates for jurisdictional gas utilities subject to the procedure of 66 Pa.C.S. § 1307(f) (relating to sliding scale of rates; adjustments) for the recovery of purchased gas costs.

The 2016 schedule of filing dates is as follows:

February 1, 2016: National Fuel Gas Distribution Corporation—PA Division; Peoples TWP

March 1, 2016: Philadelphia Gas Works

April 1, 2016: Columbia Gas of Pennsylvania, Inc.; Peoples Natural Gas Company; Equitable Gas Company

June 1, 2016: UGI Penn Natural Gas, Inc.; PECO—Gas Division; UGI Central Penn; UGI Utilities, Inc.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-1445. Filed for public inspection July 31, 2015, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by August 17, 2015. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-2015-2479082. CraneFlag, LLC** (P. O. Box 916, State College, PA 16804) a limited liability company of the Commonwealth of Pennsylvania, for the right to begin to transport, by motor vehicle, persons in the experimental service of Transportation Network Service for passenger trips between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2015-2483648. Style by the Mile, Inc.** (229 East 8th Street, Wyoming, PA 18644-2010) for the additional right, to transport by motor vehicle, persons, upon call or demand, from points in the City of Wilkes-Barre and within 6 miles of the city limits.

**A-2015-2493073. Airquest Aviation, LP** (485 Airport Road, Butler, PA 16002) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the Counties of Butler and Allegheny.

#### Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.*

**A-2015-2489691. Vauxco Limousines, LLC** (3731 Bakerstown Road, Gibsonia, Allegheny County, PA 15044) for the right to begin to transport as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority; which is to be a transfer of the rights from A-00121043 issued to Corporate Sedan Service, LLC. *Attorney:* David M. O'Boyle, Esquire, Wick, Streiff, Meyer, O'Boyle & Szeligo, PC, 1450 Two Chatham Center, 112 Washington Place, Pittsburgh, PA 15219-3455.



**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-2015-2493692. Steel City Movers, LLC** (315 South Trenton Avenue, Pittsburgh, Allegheny County, PA 15221) household goods in use, from points in the City of Pittsburgh, Allegheny County, and from within a 20-mile radius of the limits of said city, by the usually traveled highways, to other points in Pennsylvania, and vice versa. *Attorney:* Paige MacDonald-Matthes, 200 Locust Street, Suite 400, Harrisburg, PA 17101.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 15-1446. Filed for public inspection July 31, 2015, 9:00 a.m.]

**Service of Notice of Motor Carrier Formal Complaints**

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due August 17, 2015, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Citymed LLC;  
Docket No. C-2015-2484127**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Citymed LLC, (respondent) is under suspension effective April 23, 2015 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 15120 Kallaste Drive, Philadelphia, PA 19116.
3. That respondent was issued a Certificate of Public Convenience by this Commission on December 18, 2013, at A-6415627.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6415627 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/27/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Aord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. Jack Treier Inc,  
t/a Tri-State Moving Systems;  
Docket No. C-2015-2488872**

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Jack Treier Inc, t/a Tri-State Moving Systems, (respondent) is under suspen-

sion effective June 10, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 140 Marble Dr, Lancaster, PA 17601.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 20, 1975, at A-00099283.

4. That respondent has failed to maintain evidence of both Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00099283 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/22/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

## VEHICLE INSPECTION BUREAU COMPLAINT FORM

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. t/d/b/a Harrisburg City Cab and Liberty Cab, PUC # A-00122208; Docket No. C-2015-2481602**

### COMPLAINT

The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

t/d/b/a Harrisburg City Cab and Liberty Cab  
 1601 Paxton  
 Harrisburg, PA 17104

#### Inspection Information:

Location: 17th Street Harrisburg PA Harrisburg, Dauphin  
 Date and Time: 05/01/2015 12:00 AM

#### Vehicle Information:

Year, Make, Model: 2009 Dodge  
 State, Tag: TX48301 PA  
 VIN: 2d4hn11e59r643499  
 DVCR #: 3935

Authorized Officer Performing Inspection: Timothy Troxell

On the date and at the time described on page one of this Complaint, the following violation(s) was disclosed:

- 52 § 29.402(1) Ref 175.78(g) PASS OOS  
 Seat Belt is missing; 2nd row seat belts installed not to factory specifications. Anchors are merely tied off and not fit for passenger service. —\$100.00

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine respondent the sum of \$100.00 for the illegal activity described in this Complaint and order any other remedy as the Commission may deem appropriate.

Respectfully submitted,  
 David W. Loucks, Chief  
 Motor Carrier Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

### VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/11/2015

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement



NOTICE

You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome of the complaint proceeding. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or by overnight delivery to:

400 North Street, 2nd Floor  
 Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Prosecutor  
 Bureau of Investigation and Enforcement  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in the Complaint.

You may elect not to contest this Complaint by paying the fine proposed in the Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the Complaint proceeding shall be closed.

If you file an Answer which admits or fails to deny the allegations of the complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in the Complaint.

If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the optional fine set forth in the Complaint.

Alternative formats of this material are available for persons with disabilities by contacting the Compliance Office at (717) 783-3846. Questions on how to respond to this Complaint may also be directed to the Compliance Office.

**VEHICLE INSPECTION BUREAU  
 COMPLAINT FORM**

**Pennsylvania Public Utility Commission; Bureau of  
 Investigation and Enforcement v. ASAP  
 Transportation Inc, PUC # A-6411152;  
 Docket No. C-2015-2480795**

COMPLAINT

The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

ASAP Transportation Inc  
 78 Tomlinson  
 Huntingdon Valley 19006

Inspection Information:

Location: 2655 Philmont Ave Huntingdon Valley, Bucks  
 Date and Time: 03/25/2015 09:00 AM—12:00 PM

Vehicle Information:

2006 CHRYSLER, JKX3020, PA, 2A4GP44R26R706700,  
 DVCR #: 3742 CULVER  
 2004 FORD, JTZ8795, PA, 2FAFP73W34X1169, DVCR#:  
 3753 CULVER  
 2011 CHEVROLET, JNW7029, PA, 2G1WG5EK1B1156089,  
 DVCR#: 3744 CULVER  
 2003 MERCURY, JLD3202, PA, 1MEFM50U73G626623,  
 DVCR#: 3745 CULVER  
 2002 LINCOLN, JCG2438, PA, 1LNHM82W52Y668206,  
 DVCR#: 3752 CULVER  
 2002 LINCOLN, JSJ3440, PA, 1LNHM82W82W82Y671,  
 DVCR#: 3750 CULVER  
 2004 MERCURY, JFM9077, PA, 2MEHM75W04X626876,  
 DVCR#: 3749 BALLARD

Authorized Officer Performing Inspection: Freda Culver/  
 Joseph Ballard

On the date and at the time described on page one of this Complaint, the following violation(s) was disclosed:

- 52 § 29.71(a) Name and PUC# 2" Height/  
 1/2" width both sides; no markings on vehicle —\$50.00  
 \$50.00 X 7 vehicles totals to \$350.00.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine respondent the sum of \$350.00 for the illegal activity described in this Complaint and order any other remedy as the Commission may deem appropriate.

Respectfully submitted,  
 David W. Loucks, Chief  
 Motor Carrier Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the



statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 06/02/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome of the complaint proceeding. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in the Complaint.

You may elect not to contest this Complaint by paying the fine proposed in the Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the Complaint proceeding shall be closed.

If you file an Answer which admits or fails to deny the allegations of the complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in the Complaint.

If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the optional fine set forth in the Complaint.

Alternative formats of this material are available for persons with disabilities by contacting the Compliance Office at (717) 783-3846. Questions on how to respond to this Complaint may also be directed to the Compliance Office.

### **Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. MZK Hauling & Dumping, LLC; Docket No. C-2015-2484243**

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to MZK Hauling & Dumping, LLC, (respondent) is under suspension effective May 1, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1716 Texas Avenue, West Mifflin, PA 15122.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 28, 2012, at A-2012-2287653.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore*, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00120555 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/27/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

### **Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Eduard Belik; Docket No. C-2015-2484275**

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Eduard Belik, (respondent) is under suspension effective May 04, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 110 West Byberry Road Apartment K5, Philadelphia, PA 19116.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 03, 2011, at A-2011-2252335.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-2011-2252335 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which

may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/27/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. ACD certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

### **Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Bustin Trucking, Inc.; Docket No. C-2015-2484399**

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Bustin Trucking, Inc., (respondent) is under suspension effective May 08, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 5241 North Front Street, Harrisburg, PA 17112.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 30, 2009, at A-8911367.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil



penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8911367 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/27/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Egbert Service, Inc.; Docket No. C-2015-2484481**

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and

Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Egbert Service, Inc., (respondent) is under suspension effective May 09, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at PO Box 18094, Philadelphia, PA 19148.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 15, 1991, at A-00108870.

4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00108870 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/27/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise

all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Three Rivers Property Management, LLC;  
Docket No. C-2015-2484493**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Three Rivers Property Management, LLC, (respondent) is under suspension effective May 09, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 6 Market Square, Pittsburgh, PA 15222.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 9, 2011, at A-8912741.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8912741 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I

expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 5/27/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of



insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Posten Taxi, Inc.;  
Docket No. C-2015-2484585**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Posten Taxi, Inc., (respondent) is under suspension effective April 14, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 777 South Franklin Street, Wilkes-Barre, PA 18702-3621.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 03, 1960, at A-00086705.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00086705 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in

this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/2/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

#### **VEHICLE INSPECTION BUREAU COMPLAINT FORM**

**Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. First Class Taxi  
Cab Company, PUC # A-00120419;  
Docket No. C-2015-2485882**

#### COMPLAINT

The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

First Class Taxi Cab Company  
20 Parkway  
Chester, PA 19013

Inspection Information:  
Location: 107 W. 23rd St Chester, Delaware  
Date and Time: 05/22/2015 12:00 AM

Vehicle Information:  
Year, Make, Model: 2006 FORD  
State, Tag: TX48406 PA  
VIN: 2FAHP71W46X118272  
DVCR #: 4117

Authorized Officer Performing Inspection: Freda Culver

On the date and at the time described on page one of this Complaint, the following violation(s) was disclosed:

- 52 § 29.314(d) A taxi vehicle may not be more than 8 model years old pass OOS; vehicle is more than 8 years old —\$500.00
- 52 § 29.402(1) Ref 175.66(f)(4) OOS Any turn signal and/or hazard flasher system is inoperative; Left Side Rear Turn Signal Inoperable —\$100.00

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine respondent the sum of \$600.00 for the illegal activity described in this Complaint and order any other remedy as the Commission may deem appropriate.

Respectfully submitted,  
David W. Loucks, Chief  
Motor Carrier Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 06/10/2015

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome of the complaint proceeding. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or by overnight delivery to:

400 North Street, 2nd Floor  
Harrisburg, PA 17120

Additionally, please serve a copy on:

Michael L. Swindler, Prosecutor  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in the Complaint.

You may elect not to contest this Complaint by paying the fine proposed in the Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the Complaint proceeding shall be closed.

If you file an Answer which admits or fails to deny the allegations of the complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in the Complaint.

If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the optional fine set forth in the Complaint.

Alternative formats of this material are available for persons with disabilities by contacting the Compliance Office at (717) 783-3846. Questions on how to respond to this Complaint may also be directed to the Compliance Office.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-1447. Filed for public inspection July 31, 2015, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 15-074.P, Miscellaneous Concrete Materials—Draw Down, until 2 p.m. on Tuesday, August 25, 2015. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 15-1448. Filed for public inspection July 31, 2015, 9:00 a.m.]

## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Misti E. Wolf; Doc. No. 0839-51-2015

On March 12, 2015, Misti E. Wolf, license no. PN288439, of Pittsburgh, Allegheny County, was suspended under the Order of the Court of Common Pleas of Allegheny County dated April 14, 2015, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Nursing, P. O. Box 69523, Harrisburg, PA 17106-9523.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 15-1449. Filed for public inspection July 31, 2015, 9:00 a.m.]

## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

### Bureau of Professional and Occupational Affairs v. Christopher A. Carmoney; Doc. No. 0837-60-2015

On March 12, 2015, Christopher A. Carmoney, license no. MV164453L, of Braddock, Allegheny County, was suspended under the Order of the Court of Common Pleas of Allegheny County dated April 14, 2015, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 69523, Harrisburg, PA 17106-9523.

DANIEL G. MURPHY, III,  
*Chairperson*

[Pa.B. Doc. No. 15-1450. Filed for public inspection July 31, 2015, 9:00 a.m.]







